



Class LB 252A

Book V4

1875

VERMONT
SCHOOL LAWS,

IN FORCE AT THE CLOSE OF THE SESSION OF THE
GENERAL ASSEMBLY, 1874,

TOGETHER WITH A DIGEST OF THE

Decisions of the Supreme Court of Vermont

HAVING REFERENCE TO THE

SCHOOLS AND SCHOOL LAWS OF VERMONT,

AND

FORMS FOR THE USE OF SCHOOL DISTRICT OFFICERS.

COMPILED UNDER AN ACT OF THE LEGISLATURE, AND APPOINT-
MENT BY THE GOVERNOR,

BY GILBERT A. DAVIS,
OF READING.



MONTPELIER :

J. & J. M. POLAND'S STEAM PRINTING HOUSE.

1875.

LB 2521
VA
1913



AN ACT AUTHORIZING THE COMPILATION OF
THE SCHOOL LAWS.

It is hereby enacted by the General Assembly of the State of Vermont :

SEC. 1. The Governor is hereby authorized and required to appoint some suitable person to compile all school laws of this State that may be in force at the close of the present session of the General Assembly, and annex thereto a concise digest of the decisions of the Supreme Court of this State having reference to the schools and school laws of this State, and also forms for the use of school district officers ; provided that the expense thereof shall not exceed two hundred dollars.

SEC. 2. The Secretary of State shall, as soon as conveniently may be done, procure three thousand copies of such compilation, digest and forms to be printed and bound in paper, in the same style the session laws are printed, and distribute the same in the following manner :

To each organized town and city in this State, one copy, to be deposited in the clerk's office, and one copy for each school district in such town or city, one copy to each superintendent of schools, for the use of him and his successors in office, and the balance shall be deposited in the State Library for distribution under the direction of the State Librarian.

Approved November 23, 1874.

COMPILER'S REPORT.

To His Excellency ASAHEL PECK,

Governor of the State of Vermont :

I herewith transmit the Compilation of the School Laws of this State in force at the close of the session of the General Assembly for 1874, and have annexed thereto a concise digest of the decisions of the Supreme Court of this State having reference to the schools and school laws of this State, and also forms for the use of school district officers, prepared in accordance with my appointment from your Excellency, under the provisions of an act approved November 23, 1874, entitled "An Act authorizing the compilation of the School Laws."

In making the compilation of the school laws, in all cases the exact phraseology of the statute has been retained. The sections of the general statutes that have been amended by later statutes, have been inserted as amended, and proper reference made to the original section and the amendatory act, so that the correctness of the compilation can be readily tested, or the original enactment at once referred to. The larger part of the laws relating to schools have been gathered into a code, and the sections consecutively numbered, with notes annexed giving the original numbering. The decisions of the Supreme Court construing the several sections have been referred to in the notes, for the convenience of those who may wish to readily consult them. It has been the compiler's design to place before the public a

comprehensive guide to all persons having business to transact relating to the public schools of the State.

The digest of the decisions of the Supreme Court has been carefully prepared and systematically arranged by topics in alphabetical order, so as to be readily accessible, and prefixed to it is a table of cases cited, and of titles. By this arrangement the necessity of any index to the digest has been avoided. The compiler's intention has been to comprehend the law of every reported case within the scope of the Act under which this work is prepared.

The *forms* have been adapted to the existing provisions of the statute laws, and to that end, obsolete forms have been omitted, and many of the forms heretofore in use essentially modified.

I respectfully submit the result of my labors, hoping that thereby the interests of education in the State may be advanced, and the performance of the duties of school district officers may be facilitated.

I have the honor to remain

Your Obedient Servant,

GILBERT A. DAVIS.

Reading, Vt., April 10, 1875.

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PART I.

SCHOOL LAWS OF VERMONT.

STATE SUPERINTENDENT OF EDUCATION AND HIS DUTIES.

No. 33, Acts 1874, page 58.

AN ACT TO ABOLISH THE BOARD OF EDUCATION AND TO CREATE THE OFFICE OF STATE SUPERINTENDENT OF EDUCATION.

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SECTION 1. Sections one, two, three, four, five, six, seven, eight, one hundred nine, one hundred twelve, and one hundred thirteen, of chapter twenty-two of the general statutes, and all acts and parts of acts amendatory of and in addition thereto, are hereby repealed.

SECTION 2. The joint assembly shall elect at each biennial session of the legislature, a state superintendent of education, who shall faithfully devote his whole time in pro-

moting the highest educational interests of the state, and visit every part thereof during each year, deliver lectures upon the subject of education, confer with town superintendents, visit schools in connection with them, and furnish each of them blank forms for collecting school statistics.

SECTION 3. He shall annually, upon a written application of twenty-five teachers in any county—except Grand Isle and Essex counties, in which the number may be fifteen teachers—for that purpose, hold one teachers' institute in such county, at a time when the common schools are not in session, as far as practicable, not to exceed three days each. Said state superintendent may employ assistants to give efficiency and interest to such institutes as he may be required to hold, and a sum not exceeding thirty dollars per day actually paid by said state superintendent for such services, and for advertising and other necessary expenses thereof, shall be paid to said state superintendent by the state treasurer, on the allowance and order of the auditor of accounts.

SECTION 4. Said state superintendent is hereby required to prescribe blank forms for a school register, conveniently arranged for keeping a daily record of the attendance of children upon the school, and containing printed interrogatories addressed to teachers and to district clerks, for the procurement of such statistical information as he may seek to obtain in each year, and such information as will enable the selectmen of towns to divide the public money according to law; and in the month of January in each year the state superintendent shall procure and furnish to every town superintendent in this state, a sufficient number of such registers to supply all the district clerks in each town with one register for every school for the ensuing year. Any town superintendent receiving such registers shall immedi-

ately forward his receipt therefor to the state superintendent; and on failure to receive such registers by the first day of February in each year, the town superintendent shall immediately notify the state superintendent thereof, who shall supply the deficiency forthwith. Each district clerk shall annually, on or before the first week in March, procure of the town clerk a register for each school in his district, and be responsible for the safe keeping thereof.

SECTION 5. Town superintendents of schools shall annually, on or before the tenth day of April, make out and return to the state superintendent, the statistics of the schools in each district in their respective towns, in accordance with the forms prescribed by said state superintendent, agreeably to law. The state superintendent, upon the receipt of such returns, shall forward a certificate thereof to the town superintendent making the return.

SECTION 6. It shall be the duty of the trustees of the academies and grammar schools which have been incorporated by the legislature of the state of Vermont, to cause their principals to return to the said state superintendent, on or before the first day of April in each year, true and correct answers to such statistical inquiries as may have been addressed to them by the state superintendent in the month of January previous.

SECTION 7. The state superintendent of education shall prepare and present to the legislature, on the first day of each biennial session thereof, a report of his official doings for the preceding two years, and a statement of the condition of the schools in the state, of the expenditure of the school money therein, with such suggestions for information and improvement relative to the various schools in the state, as he may deem proper. He shall cause to be printed not

more than three thousand and five hundred copies of his biennial report, and have the same ready for distribution on the assembling of the legislature, and shall distribute the same as follows, viz., one copy to each member of the legislature; one copy to each town superintendent, for the use of him and his suceessor in office; one copy to each district clerk; and one copy to the principal of each graded, union, or high school in the state; and any remaining copies shall be deposited in the state library for future reference, exchange or sale. The said state superintendent shall forward the necessary copies for distribution, except for members of the legislature, to the various town clerks, which shall be by them distributed in the same manner as the laws are distributed.

SECTION 8. The governor shall have power to appoint any suitable person to fill any vacancy that may occur in the office of state superintendent; and the person so appointed shall have the same power and perform the same duties as if elected agreeably to the provisions of section two of this act.

SECTION 9. Section nine of chapter twenty-two of the general statutes is hereby amended by striking out in line twenty-three of said section, the words "secretary of the board," and inserting in lieu thereof the words *state superintendent of education*.

SECTION 10. The state superintendent shall receive the sum of fifteen hundred dollars per year and his actual traveling expenses while in the performance of the duties of his office, and the expense of procuring blank forms, and postage, which allowances shall be paid by the treasurer on the acceptance and order of the auditor of accounts.

SECTION 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 12. This act shall take effect from its passage.

Approved November 18, 1874.

CHAPTER TWENTY-TWO OF THE GENERAL STATUTES, AS AMENDED AND IN FORCE AT THE CLOSE OF THE BIENNIAL SESSION OF THE LEGISLATURE, 1874.

[The original numberings of the sections are stated in the notes. The additional enactments are consecutively numbered, and their number and year of enactment noted.]

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17. Their compensation.
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TOWN SUPERINTENDENTS, THEIR DUTIES AND COMPENSATION.

SECTION 13. The several towns in this state shall, at their annual March meeting, elect one person to be superintendent of common schools within such town, who shall hold his office during the school year commencing on the first day of April next after his election, and when appointed by the selectmen, during the remainder of the then current school year; who shall receive for his services [two] dollars for each day necessarily spent in the discharge of his legal duties, and a reasonable sum for his annual report to the March meeting; and every superintendent of schools

shall make out in detail his account for official services, stating the date and time spent, as well as the kind of service rendered, and the number of districts in which a school has been taught the year preceding, and make oath or affirmation to the correctness of the same, before some justice of the peace in the town in which he resides, which oath or affirmation shall be certified by said justice before such superintendent's account shall be presented to the auditor of accounts for allowance; who shall audit and allow the same, or so much thereof as is just and reasonable, and the same shall be paid out of the state treasury upon the order of the auditor of accounts, who is empowered to draw orders for the same; but no order shall be drawn to any superintendent until he shall have filed with the auditor of accounts the receipt of the state superintendent of education for the statistical returns of the preceding school year, in pursuance of the requirements of law. But no superintendent shall receive compensation while visiting schools for a number of days greater than twice the number of schools kept in the town for which he acts as superintendent, whatever the number of terms of such school kept during the year.

Ch. 22, § 9, G. S., as amended by No. 6 of 1866, p. 12, and by No. 33 of 1874, p. 58.

SECTION 14. Any town in this state may at its annual March meeting, or at any other meeting legally warned for that purpose, vote to pay the superintendent of common schools within such town, out of the town treasury, such sum or sums of money in addition to the pay now provided by law for his services as shall to such town appear reasonable and just.

No. 29 of 1865, p. 40.

SECTION 15. Each town superintendent shall hold two public examinations of teachers annually, in the months of

April or May, and October or November; said public examinations shall be held in all the towns in the county on the same day, and all certificates granted by town superintendents shall be good till the first day of April following the examination, and no longer.

§ 2 of No. 12 of 1870, p. 66.

SECTION 16. The election of town clerk, selectmen, treasurer, overseer of the poor, constables, superintendent of schools, grand jurors and listers shall be made by ballot when the ballots are required by any three voters present at the meeting. The election of all other town officers shall be in such manner as the meeting may determine.

§ 14 of ch. 15, G. S., as amended by No. 57 of 1874, p. 89.

SECTION 17. Instead of the compensation now provided by law, the superintendent of schools shall receive for his services two dollars for each day necessarily spent in the discharge of his legal duties, and a reasonable sum for his annual reports to the March meeting and to the state superintendent of education, and ten cents a mile for necessary travel in attending the annual county meeting of town superintendents.

§ 1 of No. 18 of 1872, as amended by No. 36 of 1874, p. 66.

SECTION 18. The returns now required to be made by district clerks to the town clerks by the provisions of the act entitled, "An act in relation to school census and other school matters," approved November 23, 1870, shall hereafter be made to the town superintendents of schools.

§ 4, No. 18 of 1872, p. 57.

SECTION 19. It shall be the duty of the town superintendent of schools to file in the town clerk's office, on or before the first day of June in each year, the school regis-

ters and school census returns for the preceding school year.

§ 5, No. 18 of 1872, p. 67.

SECTION 20. The state superintendent of education is hereby directed to prepare and annually furnish to each town superintendent suitable blank certificates to teachers.

§ 6, No. 18 of 1872, p. 57, as amended by No. 36 of 1874, p. 66.

SECTION 21. It is hereby made the duty of the town superintendents of common schools in each county to meet annually on the third Tuesday of March, at ten o'clock A. M., in each year, at the county court house in each county—except that in Bennington county the said meeting shall be holden at the town house in Arlington—for the purpose:

First, Of agreeing upon a set of questions to be used throughout the county in the written examination of teachers.

Second, Of fixing the standard of qualification of teachers for the ensuing year.

§ 1, No. 36 of 1874, p. 66.

SECTION 22. The town superintendents of common schools, when assembled as mentioned in section one of this act, may annually elect from their number a president to preside at said meeting, and a secretary, whose duty it shall be to keep a correct record of the proceedings of such meeting, and procure to be printed and distribute to the several superintendents in such county the lists of questions agreed upon at such meeting; and the expense of such printing and distribution shall be paid by the state treasurer upon the allowance of the state auditor.

§ 2, No. 36 of 1874, p. 66.

SECTION 23. It shall be the duty of the town superintendent to visit all such common schools within their respective

towns as shall be organized according to law, at least once in each year, and oftener if they shall deem it necessary. At such visitation the superintendents shall examine into the state and condition of such schools, as respects the progress of the school in learning and the order and government of the schools; and they may give advice to the teacher of such schools as to the government thereof and course of study to be pursued therein, and shall adopt all requisite measures for the inspection, examination and regulation of the schools, and for the improvement of the scholars in learning. Every superintendent of common schools shall also make out his account of official services in the manner hereinbefore required, and deliver the same to the town clerk of the town in which such superintendent was elected or appointed on or before the day previous to the annual town meeting next after the election or appointment of such superintendent, and the same shall be filed and kept in the office of the town clerk.

Ch. 22, § 10. G. S. See No. 36 of 1874, p. 66.

SECTION 24. The town superintendents shall require full and satisfactory evidence of the good moral character of all instructors who may be employed in the public schools, in their respective towns, and shall ascertain, by personal examination, their qualifications and capacity for the instruction and government of schools; and every instructor of a district school shall obtain of the town superintendent of such town a certificate of his qualifications, before he opens such school, which certificate shall be available for one year only.

Ch. 22, G. S., § 11—1870, No. 12, p. 46. See § 15 of this Compilation.
20 Vt. 495, 34 Vt. 270, 35 Vt. 623, 41 Vt. 353, 46 Vt. 452.

SECTION 25. The principals of graded and union schools shall not be required to procure any certificate of qualifica-

tion from the town superintendent or any other officer ; and all contracts for teaching hereafter made between the trustees of any graded school district, or prudential committee of any union school district, and their principal teacher, shall be valid without such certificate of qualifications.

§ 1, No. 37 of 1874, p. 67.

SECTION 26. Whenever any superintendent of common schools in any town desires a certificate of his qualifications for teaching a district school in the town where he resides, he may make application for the same to the superintendent of schools of any adjoining town, who shall examine such applicant in relation to his qualifications therefor, and, if found satisfactory, may give his certificate to said applicant in due form of law, which certificate shall be valid for one year from the date thereof, in the town where said applicant resides.

Ch. 22 G. S., § 12. See § 15 of this Compilation.

SECTION 27. The town superintendents shall give public notice of suitable times and places, that they will attend to the examination of teachers, before commencement of the winter and summer schools.

Ch. 22 G. S., § 13.

SECTION 28. The examination of teachers by town superintendents shall be public, and held in some public place, after due notice given pursuant to law, in the months of April or May, and October or November, in each year, and citizens generally invited to attend ; and no examination of teachers shall be held at any other time or in any other manner except in the discretion of the superintendents, and for the accommodation of teachers prevented by sickness or other unavoidable circumstances from attending at the regular public examination ; and any superintendent

examining teachers at any other time than the regular public examination, shall be entitled to receive from each teacher applying for such examination the sum of fifty cents.

Ch. 22 G. S., § 14, as amended by No. 8, p. 13, of 1866. See No. 12, p. 47, § 2, acts 1870.

SECTION 29. It shall be the duty of town superintendents of common schools to make out and lodge in the town clerk's office in their respective towns, annually, on or before the first day of February, a list of the names of all the teachers to whom they have granted certificates during the preceding year, together with the respective dates of the certificates.

Ch. 22 G. S., § 15.

SECTION 30. Whenever, upon personal examination of schools, the superintendent of any town shall become satisfied beyond a reasonable doubt, that a teacher to whom a certificate has been granted, is incompetent to teach or govern his school properly, or setting an evil example before his school, the superintendent is hereby empowered in his discretion to revoke the certificate theretofore granted to such teacher, by filing in the town clerk's office of such town a statement in writing of having made such revocation, and delivering a copy thereof to the prudential committee and also to the teacher whose certificate is so revoked; and every teacher's certificate, that shall have been duly revoked, pursuant to the provisions of this section, shall immediately, upon the filing of such revocation and reasons therefor, become thereafter null and void and of no effect; and such teacher's contract with the school district shall become void therefrom, and it shall not be lawful for the prudential committee to pay such teacher for any services thereafter performed as teacher unless by a vote of the district.

Ch. 22 G. S., § 16, as amended by No. 27, p. 39, of 1865.

SECTION 31. When from any cause a vacancy shall occur in the office of town superintendent of common schools in any town, the selectmen shall supply such vacancy until a new election shall be made; and the superintendent so appointed by the selectmen shall have all the powers and be subject to all the duties and requirements of superintendents elected by the town.

Ch. 22 G. S., § 17.

SECTION 32. Whenever the selectmen of any town shall fail to appoint superintendents of schools as provided in section seventeen of chapter twenty-two of the general statutes, [section 31 of this compilation,] persons desiring to teach in said towns may make application for certificates of qualification to the superintendent of schools of any adjoining town, who shall examine such applicants in relation to their qualifications therefor, and if found satisfactory, may give his certificate to said applicant in due form of law, which certificate shall be valid for one year from date thereof in said town where said applicant desires to teach.

No. 7 of 1866, p. 12. See § 15 of this Compilation.

SCHOOL DISTRICTS.

SECTION 33. Each organized town in the state shall keep and support one or more schools, provided with competent teachers, of good morals, for the instruction of the young in orthography, reading, writing, English grammar, geography, arithmetic, history, and constitution of the United States, and good behavior; and special instruction shall be given in the geography, and history, constitution and principles of government, of the state of Vermont.

Ch. 22 G. S. § 19—32 Vt. 224.

SECTION 34. No person under five years of age shall be received as a pupil into any public school.

§ 3, No. 11 of 1870, p. 45.

SECTION 35. When the inhabitants of any town cannot be conveniently accommodated in one school district, it shall be the duty of such town, at a legal meeting, notified for that purpose, to divide such town into as many school districts as shall be judged most convenient ; to define and determine their limits, and, from time to time, to divide such as are too large, unite such as are too small, or otherwise to alter them, and make new districts, as shall be found expedient.

Ch. 22; G. S., § 20.

8 Vt. 402; 10 Vt. 480; 23 Vt. 626; 25 Vt. 311; 37 Vt. 196; 41 Vt. 317; 1868, No. 38, p. 40.

SECTION 36. The districts so formed shall be numbered, in a regular series, from number one upwards, and shall be known and designated by the name of their respective numbers ; and their numbers and description, and all alterations made therein, from time to time, shall be recorded in the office of the town clerk.

Ch. 22 G. S., § 21.

SECTION 37. When it is necessary to organize any school district in any town, any three or more of the voters in such district may make application in writing to the selectmen of such town, and it shall be the duty of the selectmen to give notice for a meeting in such district, by posting up a notification thereof, specifying the time and place appointed, and the business of the meeting, in one or more of the most public places in such district, at least seven days before the time therein specified ; and it shall be the duty of one of the selectmen to preside in the meeting until a moderator and

clerk shall be chosen ; after which, the district shall be deemed to be legally organized.

Ch. 22 G. S. § 22—11 Vt. 607.

SECTION 38. The selectmen of any organized town, on the application of three or more voters, in an adjoining unorganized town or gore, may organize school districts in such unorganized town or gore, in the manner provided in the preceding section of this chapter ; and if more than one district is needed, such selectmen may divide such unorganized town or gore into as many districts as may be required, and may define and determine their limits, and number them as provided in sections twenty and twenty-one of this chapter [sections 35 and 36 of this compilation] ; and the selectmen shall be paid a reasonable compensation for their services by the petitioners.

Ch. 22 G. S., § 23.

SECTION 39. When any number of inhabitants of two or more adjoining towns shall find it necessary or convenient to be formed into one district, for the purpose of supporting a school, such towns, by a concurrent vote for that purpose, may form the territory occupied by such inhabitants into a district ; and the first meeting may be notified, and the district organized by the selectmen of either of the towns, on application in writing for that purpose, by three or more voters ; and the meeting shall be notified, and the district organized in the same manner as provided in the twenty-second section of this chapter [section 37 of this compilation] ; and when organized, such district shall have the same powers, and be subject to the same liabilities, as other districts.

Ch. 22 G. S., § 24.

SECTION 40. In case a district shall be formed of parts of two towns, it shall, for all purposes of visitation and re-

turns, and for the examination of school teachers, as provided in the tenth and eleventh sections of this chapter, [sections 23 and 24 of this compilation,] be taken and deemed to belong to the county and town in which the school-house of such district shall be situated.

Ch. 22 G. S., § 25.

SECTION 41. In any school district formed of territories or inhabitants belonging to two or more towns, the clerk of said district shall hereafter make out his returns of the statistics of each portion of the district belonging to the several towns, and file them in the town [superintendent's] office to which each part or portion of said district respectively belongs; in which case the returns shall be made in all respects agreeably to the provisions of section one hundred and ten of this chapter [section 170 of this compilation.]

Ch. 22 G. S., § 26, as altered by No. 18, Acts 1872, p. 56.

SECTION 42. Any town, by vote in town meeting, may set one or more persons, residing in such town, to a school district in an adjoining town, if such district shall, by vote, consent to receive such persons; and any persons, so united to a school district in another town, shall have the same rights, and be subject to the same liabilities, as if they had resided in the same town.

Ch. 22 G. S., § 27; 21 Vt. 402; 34 Vt. 156.

SECTION 43. Whenever a person residing in a school district in one town shall be set to a school-district in an adjoining town, as provided in the preceding section of this chapter, his property and person shall be taxed, and the taxes thereon shall be collected within and for the use of the district to which he shall be set as aforesaid, in the same manner as said property and person would be taxable, and the

taxes thereon collectible in the said district in the town wherein he resides, in case he had not been set to said other district in an adjoining town. Provided, that said property and person shall be taxable as aforesaid only in the district to which said person shall be set as aforesaid.

Ch. 22 G. S., § 28.

SECTION 44. When a school district shall be organized, it shall have all the powers of a corporation, for the purpose of maintaining a school in such district; all persons residing in any school district in this state, qualified to vote in town meetings, and no other persons, shall be legal voters in school district meetings.

Ch. 22 G. S., § 29, as amended by No. 39 of 1868, p. 40; 35 Vt. 632.

SECTION 45. Every male citizen of the age of twenty-one years, whose list shall have been taken in any town or city at the annual assessment next preceding any town or city meeting, and all citizens whose polls are exempt from taxation in consequence of their having arrived at the age of seventy years, or who may be exempt from taxation by the listers on account of poverty, or by reason of any special law exempting them, shall, during their residence in such town or city, be legal voters in town meeting.

No. 50 of 1869, p. 52.

SECTION 46. The listers of the several towns in this state shall omit to place in the list the polls of such persons as lost an arm, or leg, or their eyesight, while in the service of the United States during the last war: provided that such omission shall not deprive such persons of the right to vote in any town, city, or school district meeting, in which they might otherwise be entitled to vote.

No. 42 of 1870, p. 81.

SECTION 47. No person shall be entitled to vote in any town, city, village, or school district meeting, who is not a citizen of this state, and a resident of the town, city, village, or school district where said person may claim a right to vote. The word "citizen" as used in this act [section], shall be construed to mean a person born within this, or some one of the United States, or naturalized agreeably to the acts of congress, or a person who has become a freeman of this state, by virtue of the laws in force before June 26th, 1828.

No. 12 of 1864, p. 31.

SECTION 48. If at any school district meeting, in any school district in this state, any person shall offer or claim the right to vote in school district meeting whose vote shall be objected to by one or more legal voters present, for the reason that said person is not a legal voter in said district, the moderator presiding at such meeting shall not receive such vote so objected [to,] until the right of such person to vote in such district shall be determined as hereafter provided in section two of this act. [Section 49 of this compilation.]

§ 1, No. 17 of 1870, p. 54.

SECTION 49. Whenever any person's vote or right to vote in any school district meeting shall be objected to, as mentioned in section one of this act, the moderator presiding at such meeting, the clerk and such members of the prudential committee as may be present, shall consider and decide the question of said claimant's right to vote in said meeting, and his vote shall thereupon be received or rejected, as may by them be determined.

§ 2, No. 17 of 1870, p. 54.

SECTION 50. The provisions of this act shall not in any way affect the rights of any person in law or equity in any suit or proceeding concerning school districts and the votes thereof.

§ 3, of No. 17 of 1870, p. 54.

SECTION 51. Any school district may, by vote at a meeting duly warned and holden for that purpose, authorize the prudential committee or trustees of such district to establish an evening school or schools in such district, and make all necessary arrangements and provisions therefor, in the same manner as day schools are now sustained ; and each session of such evening school shall be treated and considered as a half-day session of a public school.

§ 2, No. 37 of 1874, p. 68.

SECTION 52. The several school districts in this state shall have power at their annual meetings to designate the number of weeks during which the winter and summer schools shall be sustained in such districts, and appoint the time for the commencement of such schools. And in case the prudential committee of such districts shall refuse or neglect, for more than two weeks after the time thus appointed, to provide such schools, in compliance with such direction, such districts may, at any legal meeting warned for that purpose, declare the office of prudential committee in such district vacant ; and thereupon such offices shall become legally vacant, and such districts may then proceed to fill such vacancy, by the election of a prudential committee, who shall thereafter be clothed with all the powers, and subject to all the duties and liabilities they would have been liable to if elected at the annual meeting of such districts.

Ch. 22 G. S., § 30.

SECTION 53. The several school districts shall be authorized to take and hold any estate, real or personal, conveyed to them for the purpose of supporting schools in such districts, and may take care of, dispose of, and appropriate the same for such purpose ; and may commence and prosecute any action against any person for the non-performance of any contract made with them, or for any damage done to their property, and may be sued for the non-performance of any contract made by them.

Ch. 22 G. S., § 31.

SECTION 54. The officers of each school-district shall be a moderator to preside in the meetings, a clerk, a collector of taxes, a treasurer, one or three auditors, and a prudential committee consisting of one or three legal voters in such district, all of which officers shall be elected at the annual school-meeting, which shall be held on the last Tuesday of March of each year, and their term of office shall commence at the time of their election, and continue until others are chosen ; and the duties of the treasurer and auditors shall be identical with the duties of the town-treasurer and town-auditors, in their respective school-districts.

Ch. 22, § 32, G. S., as amended by No. 12 of 1872. No. 18 of 1867, p. 26.
11 Vt. 618; 20 Vt. 487; 23 Vt. 416; 32 Vt. 769.

SECTION 55. The several collectors of school districts in this state, before entering upon the duties of their respective offices, if required thereto by a vote of their districts respectively, shall give bonds to such districts for the faithful performance of such duties, in such sum and with such sureties as such districts may require.

§ 1, No. 18 of 1867, p. 26.

SECTION 56. If any such collector shall neglect for the space of ten days to give bonds as required in the preceding

section of this act ; or if any person chosen to the office of collector of taxes in any school district shall, upon the request of the prudential committee of such district, refuse to perform the duties of such office, his office shall be vacant.

§ 2, No. 18 of 1867, p. 26.

SECTION 57. The prudential committee of any school-district in this state may require the collector of taxes in their district, before he enters upon the duties of his office, to give bonds to the district for the faithful performance of his duties, in a sufficient sum with good and sufficient sureties. And if any person chosen to the office of school-district collector in any school-district in this state shall, after being requested by the committee to give such bond, neglect for ten days next succeeding such request, his office shall be vacant.

No. 18 of 1870, p. 55.

SECTION 58. Whenever any school district shall raise a tax, such school district may, by vote passed at the same meeting, direct the collector of taxes to deduct such per cent. as shall be fixed by said vote from the tax of every tax-payer who shall pay his or her tax, by a day fixed by said vote.

§ 1, No. 14 of 1874, p. 27.

SECTION 59. The collector of taxes shall notify the tax-payers of such school district at what time and place he will attend to receive taxes so voted, and allow such deduction by posting notice thereof in three public places in said district, and by causing the same to be published in each newspaper that may be printed in said district, at least ten days before the time named in such notice.

§ 2, No. 14 of 1874, p. 27.

SECTION 60. Every tax-payer who shall neglect to pay his or her tax on or before the day named in such vote, shall not be entitled to such deduction, and the collector shall collect the whole tax of such delinquent tax-payer in the manner now by law provided.

§ 3, No. 14 of 1874, p. 27. No. 11 of 1874, p. 24.

SECTION 61. All collectors of school district taxes shall on request in writing signed by one or more of the prudential committee of such school district, pay to the treasurer of such school district all moneys belonging to the same by him collected up to that time, and submit his tax-book and list to said treasurer for inspection and computation.

§ 2, No. 11 of 1874, p. 24.

SECTION 62. Any collector neglecting or refusing for the space of ten days to perform the duties required by sections one and two of this act, shall be liable to a fine of one hundred dollars for each neglect or refusal; and such fine may be recovered in an action upon this statute in favor of such town or district.

§ 3, No. 11 of 1874, p. 24.

SECTION 63. Any school district may elect the first constable in any town to be the collector of taxes in such district, if such constable shall choose to accept such office, notwithstanding such constable may not be an inhabitant of such district; and so elected and accepting, such constable shall have all the powers and be subject to all the duties which, by law, are vested in or imposed upon school district collectors.

Ch. 22 G. S., § 33.

SECTION 64. In case of the death, absence or disability of the moderator of a school district, at any meeting legal-

ly warned, a moderator *pro tempore* may be chosen to preside in said meeting.

Ch. 22 G. S., § 34.

SECTION 65. When, from any cause, a vacancy shall occur in the offices of clerk, collector of taxes, treasurer, or prudential committee, of any school district in any town in this state, the selectmen shall appoint a suitable person, resident of said district, to fill such vacancy, until a new election shall be made; and the officers so appointed shall have all the powers, and be subject to all the duties, requirements and liabilities, as they would be if chosen by such school district; and in all cases of vacancy which have occurred, or may occur, the school district may make a new election, at a special meeting thereof, notwithstanding the appointment by the selectmen.

Ch. 22 G. S., § 35, as amended by No. 36 of 1868, p. 38; 11 Vt. 618; 26 Vt. 503; 39 Vt. 598.

SECTION 66. In the absence or disability of the clerk of any school district, it shall be the duty of the prudential committee of such district to discharge the duties imposed on clerks of school districts in this chapter.

Ch. 22 G. S., § 36.

SECTION 67. It shall be the duty of the clerk of each school district in this state to keep a fair record of all votes and proceedings of school meetings in their respective districts, and to certify the same when required; and every district clerk, and every prudential committee discharging the duties of a district clerk, who shall willfully violate the provisions of this section, shall be subject to the penalty imposed in section fifty-eight of this chapter [section 105 of this compilation].

Ch. 22, § 27, G. S., as amended by No. 39 of 1874, p. 69.

SECTION 68. The clerks in the several school districts in each town, shall, annually, in the month of February, ascertain from actual inquiry or otherwise, all the births and deaths which have happened in their respective districts during the year next preceding the first day of January, together with such facts concerning the births and deaths as are required by the preceding section of this chapter, and shall make an accurate return thereof to the town clerk of the town in which such school district is situated, on or before the first day of March; and the district clerk, or other person or persons authorized to perform his duties and make such returns, shall be entitled to receive from the treasury of such town ten cents for each and every birth and death so returned. And the selectmen of the several towns shall draw orders on the treasurer of their respective towns for the payment thereof to the aforesaid clerks. And if such person shall neglect or refuse to make the returns required by this section, he shall be liable to a fine of not less than five dollars for each neglect or refusal.

No. 35 of 1865, p. 45, as amended by No. 49 of 1868, p. 49.

SECTION 69. The clerks of the several school districts in this state, for making returns of births and deaths, as now required by law, shall receive as compensation therefor, the sum of fifteen cents for each birth and death so returned. *Provided*, that in case their returns are incomplete or incorrect, they shall forfeit all compensation therefor, and be liable to a fine of not less than five dollars.

§ 1, No. 49 of 1868, p. 49.

SECTION 70. It is hereby made the duty of the selectmen of the several towns in this state, to draw an order on the treasurer of their respective towns, to pay the compensation aforesaid, on the presentation to them of a certificate

from the town clerk that the returns have been made according to law.

§ 2, No. 49 of 1868, p. 49.

SECTION 71. It is hereby made the duty of the several town clerks in this state, to carefully examine the returns of births and deaths made to them by the clerks of the several school districts in their respective towns; and in case the returns are in all respects made up and returned agreeably to law, they shall furnish to each school district clerk, so complying with the requirements of law, a certificate which shall entitle him to the compensation aforesaid; and in case such returns are incomplete or incorrect, they shall forthwith cause prosecutions to be commenced against such delinquent school district clerk, in the name of the state, to recover any penalty or forfeiture imposed by the provisions of this act.

§ 3, No. 49 of 1868, p. 49.

SECTION 72. The clerk in each school district shall, annually, in the month of January, make a correct list of the names and ages of all persons between the ages of five and twenty years, resident in his district on the first day of January, with the names of heads of families and whole number of persons under twenty in each, and return the same to the town superintendent on or before the thirty-first day of January. He shall also prepare and return therewith a tabulated abstract of the same, exhibiting the following items:

1. The whole number of families in the district.
2. The whole number of families having children under twenty years of age.
3. The whole number of children under twenty.
4. The number of children under five, between five and ten, between ten and fifteen, and between fifteen and twenty,

respectively ; and clerks of school districts shall receive for their services in making such list two cents for each and every name of a child not less than five nor over twenty years of age, so returned by them, and also two cents per name for heads of families so returned by them ; and prudential committees are hereby authorized to draw their orders on school district treasurers for the same.

§ 1, No. 11 of 1870, p. 89, as altered by No. 18 of 1872, § 4, p. 57.

SECTION 73. In towns not divided into districts the duties prescribed in section one shall devolve on the clerk of the school board, who shall also collect the statistics of births and deaths required by section two of chapter seventeen of the general statutes.

§ 2, No. 11 of 1870, p. 45.

SECTION 74. The school year for the purpose contemplated in this chapter, shall be taken as commencing on the first day of April in each year and ending on the last day of March following.

Ch. 22 G. S., § 38.

SECTION 75. It shall be the duty of the prudential committee to keep each school-house in their district in good order, at the expense of the district ; and in case there shall be no school-house, to provide a suitable place for each school at the expense of the district ; to see that fuel and furniture, and all appendages and things necessary for the advantage of the school, be provided ; to appoint and agree with a teacher to instruct the school, and remove him when necessary ; and adopt all requisite measures for the inspection, examination, and regulation of the school, and for the improvement of the scholars in learning. Provided, however, in case there shall exist any disagreement or differ-

ence between the measures adopted by the prudential committee for the inspection, examination, and regulation of the school, and for the improvement of the scholars in learning, and the measures adopted therefor by the town-superintendent, the measures adopted by the town-superintendent shall govern.

Ch. 22 G. S., § 39. Proviso added by No. 17 of 1872.

20 Vt. 487; 24 Vt. 528; 30 Vt. 155; 33 Vt. 77; 37 Vt. 497; 37 Vt. 521; 38 Vt. 529.

SECTION 76. If any school district shall, for the period of six months next after the time fixed by law for the annual school meeting, omit or neglect to cause a common school of some grade to be taught in such district for at least two months, by means of such omission or neglect, all the offices of said district shall be vacated; and on the application of any two legal voters in said district, the selectmen of the town in which such district is located shall proceed to fill such vacancies as is provided for by law in the case of vacancies in such offices otherwise occurring; and it shall be the duty of the prudential committee to sustain a sufficient school in such district at least four months in each school year, at the expense of such district, and such committees shall have all the powers given by law to prudential committees duly elected in legal school meeting; and such committee is hereby further empowered, without previous vote of such district, to assess a tax upon the grand list of such district for the amount necessary to sustain such school for the four months specified, and make out a rate-bill therefor, and proceed in all respects in the collection and disbursement thereof, as though directed so to do by a previous vote of a legal school meeting in such district.

And it is further provided, if any district, either by vote or otherwise, shall fail to commence and maintain a term of school, within four weeks from the tenth day of Novem-

ber in each year, and within four weeks from the first day of May in each year, or shall fail to provide and keep in proper repair a suitable place for both winter and summer school, the selectmen of the town, on the application of any two legal voters in the district, and upon hearing of the parties, may declare all offices in the district vacant, and thereupon shall proceed to provide a suitable place for a winter and summer school, and may employ some suitable person to teach school in said district, for a period not less than three months; and to defray the expenses, they may lay a tax on the district in the manner now provided by law, by prudential committees, and may appoint a collector of taxes, and clerk, who shall have the same powers and perform the same duties as are now provided for school district collectors and clerks.

And provided further, that the foregoing provision shall not apply to any district which shall have maintained two terms of school in said district, of not less than ten weeks each, after the first of May and previous to the last day of December in such year, agreeably to a vote of the inhabitants of such district, at the preceding annual meeting thereof.

Ch. 22 G. S., § 40, as amended by No. 5 of 1866, p. 11.

Second proviso enacted by No. 14 of 1870, p. 50.

35 Vt. 632.

SECTION 77. The meetings of a school district shall be appointed and notified by the clerk, on application to him in writing, by three or more legal voters of the district; and in case of the absence or neglect of the clerk, one or more of the prudential committee shall appoint and notify such meetings on such application; and the meetings shall be notified by posting up notices in one or more of the most public places in the district, specifying the time, place, and

object of the meeting, at least seven and not more than twelve days before the time therein specified for the meeting; and every district clerk or prudential committee who shall willfully violate the provisions of this section, shall be subject to the penalty imposed in section fifty-eight of this chapter [section 105 of this compilation].

Ch. 22 G. S., § 41.

14 Vt. 300; 16 Vt. 439; 17 Vt. 337; 20 Vt. 487; 22 Vt. 309.

SECTION 78. The annual meeting of a school district may be appointed and notified by the clerk of said district without any application to him therefor by any of the voters of the district; and such annual meeting shall be notified in the manner provided by law for the notification of special school district meetings. And in case of the absence or neglect of the clerk, one or more of the prudential committee may appoint and notify such annual meeting as aforesaid, without any application to him therefor by any of the voters of the district.

Ch. 22 G. S., § 42.

SECTION 79. The several school districts may, by a vote in a legal meeting appointed and notified as required in the forty-first section of this chapter [section 77 of this compilation], raise money by a tax on the grand list of the districts for the purpose of erecting, repairing, and furnishing a school house, or to purchase or hire a building to be used as a school-house, and to purchase land for a school-house to stand upon, and for yards, and for the necessary erection of outbuildings thereon, and for the accommodation of the same, and to support a school in such district, as may be judged necessary or expedient.

Ch. 22 G. S., § 43, as amended by No. 16 of 1870, p. 53.

23 Vt. 416; 31 Vt. 337; 32 Vt. 769; 43 Vt. 362; 43 Vt. 207; 43 Vt. 123,

SECTION 80. Each district may also determine, by a vote of two-thirds of the legal voters present, in what place and in what part of the district the school house shall be located, and may choose a committee to superintend the building, repairing, or purchasing of such school house, for procuring the necessary furniture and utensils for the same; and if the voters in any district cannot agree upon the location of the school house, the selectmen of the same town, on application to them by the prudential committee, may fix upon the place for the school house in such district.

Ch. 22 G. S., § 44.
43 Vt. 362; 43 Vt. 207.

SECTION 81. When a tax-bill shall be laid, or ordered by vote of any district, for the purpose mentioned in this chapter, all real estate shall be taxed in the district in which it is situated.

Ch. 22 G. S., § 45.

SECTION 82. If any school district shall omit or neglect to provide a suitable school house for such district, for the period of two years next previous to the application herein provided, on application in writing of three legal voters in such district, to the selectmen of any town in which such district is located, such selectmen shall appoint a time and place when such application shall be heard by said selectmen, and shall cause such applicants to give notice of such application, and of the time and place of hearing, to such school district, by service of such notice in the same manner as writs of summons, at least twenty days before such hearing.

§ 1, No. 60 of 1864, p. 67.

SECTION 83. Such selectmen shall carefully investigate the matter set forth in such application, and if, in their

opinion, such district is guilty of negligence in the premises, and the interests of education in such school district so require, such selectmen shall order such district to build a school house, which order shall be served on such district in the same manner as ordinary process in civil causes.

§ 2, No. 60 of 1864, p. 67.

SECTION 84. If any school district shall neglect, for the period of six months after the service of such order, to direct, by vote of a legal school meeting of said district, a school house to be built in compliance with such order, and shall, for the same period of time after the service of such order, omit to raise money for the purpose of building such school house, the selectmen of such town making such order shall be and they are hereby empowered, to assess a tax upon the grand list of such school district, for an amount necessary to build such school house, and make a rate bill therefor, and proceed in the collection thereof in the same manner as is provided by law for the collection of town taxes; and said tax shall be collected by the first constable of such town, and paid over to such selectmen, and by them appropriated in building such school house.

§ 2, No. 60 of 1864, p. 67.

SECTION 85. All proceedings under this act shall be recorded in the town clerk's office of any town in which such district is located, and copies of such record certified by the clerk of such town shall be legal evidence thereof.

§ 4, No. 60 of 1864, p. 67.

SECTION 86. At any meeting of any school district, legally warned, the legal voters in such district may instruct the prudential committee to omit, in making up the tax-bill for the support of schools, the names of such persons as are

not able to pay their proportion of such tax ; two thirds of the voters present assenting thereto.

Ch. 22 G. S., § 46.

SECTION 87. The prudential committee shall, as soon after the vote of the district for that purpose as the circumstances of the case may require, assess a tax for the amount voted to be raised on the list of the inhabitants of such district, and on lands in such district belonging to persons living out of it, and make out a rate-bill of the same ; and any justice of the same county shall, on application for that purpose, make out a warrant in due form of law, directed to the collector of such district, authorizing and requiring him to levy and collect such tax, within the time limited therein, and pay the same to the treasurer of such district.

Ch. 22 G. S., § 47.

31 Vt. 337; 32 Vt. 769; 34 Vt. 94; 34 Vt. 156.

SECTION 88. All school-district tax-bills shall be made payable to the treasurer ; and the selectmen, upon making a division of the public school money, shall make the orders of the same payable to the treasurers in the several school-districts ; and the prudential committees of the several school districts shall draw orders for all sums due from said districts upon the respective treasurers thereof.

Ch. 22 G. S., § 48.

SECTION 89. When such tax-bill and warrant shall be delivered to the collector, it shall be his duty to proceed in levying and collecting such tax in the same manner, and he shall have the same power, as provided by law for collectors in collecting town taxes ; and shall, within the time limited, collect and pay the same to the treasurer, to be applied to the purposes authorized by the vote of the district.

Ch. 22 G. S., § 49.

SECTION 90. All expenses incurred by school-districts for the support of schools, shall be defrayed by a tax upon the grand list of said district.

Ch. 22 G. S., § 50, as amended by No. 61 of 1864, p. 69.

SECTION 91. The grand list to be completed on the 15th day of May for the assessment of town and highway taxes, shall be the list on which all school district and village taxes voted on the first day of March, or at any time thereafter within one year, shall be assessed.

Ch. 8 G. S., § 67. No. 12 of 1874, p. 25.

SECTION 92. The prudential committee of any school district shall have the same authority to enforce the collection and payment of the money voted and assessed by such district, as the treasurer of the town by law has, for enforcing the payment and collection of town taxes.

Ch. 22 G. S., § 51.

SECTION 93. The legal voters in any district, at a legal meeting warned for that purpose, may remit or make abatement on any tax-bill made out for the collection of taxes assessed by such district, to an amount not exceeding five per cent. of the same, two thirds of the voters, present at such meeting, agreeing thereto.

Ch. 22 G. S., § 52.

SECTION 94. When any school district shall have been formed from territory or inhabitants belonging to two or more towns, the inhabitants of such district, belonging to either town, may, if there shall be sufficient cause for it, procure their union with the other towns to be dissolved; and, for that purpose, three or more of the legal voters may make application to a judge of the county court of the same county, whose duty it shall be to appoint three justices of

the same county, not inhabitants of either town in interest, to inquire into the circumstances of the case. *Provided*, that where a less number than three legal voters reside within the limits of such fractional part of said district, in either town, then any one legal voter, so applying for such relief, shall be entitled to the remedy provided in this section.

Ch. 22 G. S., § 52. Proviso added by No. 37 of 1868, p. 39.
34 Vt. 384; 34 Vt. 156.

SECTION 95. If, in the opinion of such justices, it shall be expedient to dissolve such district, they shall order the same to be dissolved, and shall make a certificate thereof, and leave the same in the office of the town clerk of each town interested, to be recorded; and shall thereupon order a distribution of the property belonging to such district, to the inhabitants thereof, residing in the several towns, and may order the payment of such damages by, or to, the inhabitants of either town, as shall be just and equitable.

Ch. 22 G. S., § 54.

SECTION 96. The inhabitants of each town, after the separation, shall be deemed a legal school district, and may become organized in the manner provided for the organization of other districts, and may by vote assume a corporate name, unless a corporate name shall otherwise have been given to it, and may receive, recover, and take care of such damages or property as may be awarded to it by the justices.

Ch. 22 G. S., § 55.

SECTION 97. No division, alteration, or enlargement of the limits, or uniting of any school districts in this state, heretofore made, or hereafter to be made, shall have the effect to dissolve or merge said school district or districts

until all debts and liabilities due from and to such district or districts, so divided, altered, enlarged, or united, shall have been fully settled and paid; and the same right of action, in favor of or against such school districts, shall exist, and may be enforced in the same manner and to the same extent, as though such school district or districts had not been divided, altered, enlarged, or united; and all the officers of such districts, in office at the time of such division, alteration, enlargement, or union, shall continue in office, with all such powers as may be necessary for the service of process, calling district meetings, settling claims in favor of and against said districts, levying, assessing, and collecting taxes to pay liabilities, and fully to close up the concerns of such districts, and for those purposes only, until all debts and claims of such districts are fully settled and paid.

No. 38 of 1868, p. 40.

SECTION 98. Any school district of this state, at any legal meeting called for the purpose, shall have power to allow the use of the school house of such district for meetings for religious worship, lectures, and other similar purposes, when not needed for school purposes.

No. 10 of 1872, p. 49; 43 Vt. 207.

SECTION 99. Whenever the inhabitants of any school district may be so situated as to be most conveniently accommodated for school purposes in some public school in a school district in an adjoining state, such school district in this state may, by vote in a meeting warned for that purpose, authorize the prudential committee to arrange with the school officers of such adjoining district for the schooling of the legal scholars of such district in this state, for a time not exceeding twenty-six weeks in any one year; and in case

such scholars are thereby provided with not less than twenty weeks schooling within the school year, it shall be deemed and held that such district in this state has supported a school, and may assess and collect a tax to defray the expenses of such schooling, and shall be entitled to their lawful share of the public moneys.

No. 11 of 1872, p. 49.

SECTION 100. That any school district in this state, in which any academy is located, or any district adjoining said first mentioned district, is hereby authorized, at any legal meeting of such district duly warned for that purpose, which said meeting shall require at least twenty days' notice before the same is holden, to authorize and direct the prudential committee of such district to make any arrangement or agreement with the officers of said academy, to instruct in said academy all or part of the scholars belonging to such district, in all studies which are required by law to be taught in common schools, and such other instruction as is provided by law in case of graded schools.

§ 1, No. 9 of 1869, p. 13.

SECTION 101. This act shall not be construed so as to give to said district the right in any manner to shorten the time required by law for maintaining common schools, or to make any contract or agreement with the officers of the corporation of any academy that shall be binding upon said district for any longer term than two years, and shall at all times be under the control of future legislation.

§ 2, No. 9 of 1869, p. 13.

SECTION 102. Nothing in this act shall be construed to abridge the right of the school districts to receive the public money for attendance at such academy, the same as is now received for attendance upon the common schools.

§ 3, No. 9 of 1869, p. 13.

SECTION 103. Any school-district, heretofore organized according to previous laws, shall remain a legal school-district, subject to the provisions of this chapter ; and the officers which shall have been appointed, shall have the same power, perform the same duties, and be subject to the same liabilities, as are provided in this chapter.

Ch. 22 G. S., § 56.

SECTION 104. If any district clerk shall willfully neglect to make such return of the number of scholars in his district, as is required in this chapter, or shall knowingly and willfully make a false return, he shall forfeit and pay to the town, for the use of schools in such town, a sum equal to the amount of moneys which his district would have been entitled to draw from the treasury of the town during the year in which the offence shall be committed, to be recovered in an action in the name of the town, with costs.

Ch. 22 G. S., § 57.

SECTION 105. If any district clerk or prudential committee, whose duty it shall be to warn a meeting of any school district, for the purpose of choosing the necessary officers, or for other purposes, shall neglect or refuse to warn such meeting, for the space of ten days after application shall have been made to them in writing, by three or more legal voters belonging to such district, the person so offending shall forfeit and pay, for the use of the school in such district, twenty dollars for each delay of ten days, to be recovered in an action in the name of such district, with costs.

Ch. 22 G. S., § 58.

SECTION 106. If any prudential committee, in any school-district in this state, shall pay out of the moneys of said district to any teacher employed therein, who has not obtained

a certificate of qualification from the town superintendent in the manner required by law, or in case there shall be no town superintendent in such town, from the superintendent of some other town in the same county, such committee shall be liable to such district for all such moneys so by him or them paid, to be recovered in an action on the case, prosecuted in the name of such district; and it is hereby made the duty of the town agent of the town wherein such district is situated to prosecute all such actions to effect, at the expense of and in the name and for the benefit of such district.

Ch. 22 G. S., § 59.

SECTION 107. Any contract for teaching hereafter made, between the prudential committee of any school-district and any common school teacher, shall be null and void, if the said teacher shall have failed to obtain a certificate of qualification of the superintendent of the town in which such district shall be situated, as provided for in the eleventh section of this chapter, [section 24 of this compilation,] before the commencement of the school for which such contract shall have been made.

Ch. 22 G. S., § 60. 1874, No. 35, § 3.

20 Vt. 495; 26 Vt. 115; 27 Vt. 281; 28 Vt. 575; 29 Vt. 433; 30 Vt. 586; 34 Vt. 270; 35 Vt. 520; 41 Vt. 353; 46 Vt. 453.

HIGH, OR CENTRAL, OR GRADED SCHOOLS.

SECTION 108. When the children of any school district shall have become so numerous as, in the opinion of the prudential committee, to require more than one teacher, the clerk of such district shall, on application of such committee, call a meeting of such district, for the purpose of ascertaining the views of the district thereon.

Ch. 22 G. S., § 61.

SECTION 109. If, at such meeting, a majority of the legal voters shall vote to have two or more schools in the district at the same time, such district may vote to erect as many school houses in the district as shall be found necessary, and shall, by vote or in such other manner as the legal voters present may determine, fix on the location of such school house or houses.

Ch. 22 G. S., § 62.

SECTION 110. Any such district so composed of several schools may by a vote of a majority of such district, at any meeting legally warned for that purpose, direct the teacher of the higher or central school of the district to teach any of the sciences or higher branches of a thorough education, which may not, by existing laws, have been authorized.

Ch. 22 G. S., § 63.

SECTION 111. The prudential committee of such district, or a committee appointed for that purpose, shall have power to examine as to the age and qualifications of the children, and designate the school they shall each attend.

Ch. 22 G. S., § 64.

SECTION 112. Children not residing in such district shall not be permitted to attend the higher school of such district, except with the consent of the prudential committee, who may prescribe the terms upon which they may be admitted.

1867, No. 16, p. 23; 1868, No. 33, p. 36; 1868, No. 35, p. 38; 1869, No. 9, p. 13; 1869, No. 10, p. 14.

Ch. 22 G. S., § 65.

SECTION 113. Any town is hereby authorized to establish and maintain one or more central schools, for the education of advanced pupils of the several districts; provided, that such town shall, at their annual March meeting, vote to establish such central school or schools.

§ 1, No. 16 of 1867, p. 22.

SECTION 114. Whenever any town shall vote for the establishment of a central school or schools, as aforesaid, a prudential committee of not more than three of the citizens thereof shall be elected for each central school, whose duties and prerogatives shall be the same as those of the prudential committee of union districts, and they shall hold their offices for one year from the first Tuesday of March in each year, and until others are elected.

§ 2, No. 16 of 1867, p. 22.

SECTION 115. When any town shall establish a central school or schools, in pursuance of this act, the town treasurer and town collector thereof shall perform the same duties in relation to the central school or schools as are now incumbent upon the treasurers and collectors of school districts.

§ 3, No. 16 of 1867, p. 22.

SECTION 116. For the support of such central school, each pupil shall pay to the town treasurer such sum per term for tuition as the prudential committee may determine, and which sum shall be fixed at the commencement of the term, and shall not be altered during the continuance of said term; provided, that the said prudential committee may charge to non-resident pupils for tuition per term such sum as they shall deem just.

§ 4, No. 16 of 1867, p. 22.

SECTION 117. If the sums received for tuition are not sufficient to maintain such central school, and pay the expenses incurred, for such number and length of terms as said prudential committee shall direct, then said prudential committee may assess a tax on the grand list within the limits of said central school district for the balance required to pay the expenses of said school, and issue a warrant to the

collector of taxes, authorizing him to collect the same ; and the metes and bounds of such central school district shall be fixed by any town meeting legally warned for that purpose.

§ 5, No. 16 of 1867, as amended by No. 10 of 1869, p. 14.

SECTION 118. When more than one central school is established in the same town, in pursuance of this act, the metes and bounds of each central school district shall be fixed by any town meeting, legally warned for that purpose ; and in assessing taxes, for deficiencies to maintain the respective central school, the said assessments shall be made by the prudential committee thereof, on the grand list within the limits of said central school district.

§ 6, No. 16 of 1867, as amended by No. 35 of 1868, p. 38.

SECTION 119. Any town providing a central school or schools, in pursuance of this act, shall have all the powers of union districts, mentioned in chapter twenty-two, section seventy-two, of the general statutes.

§ 7, No. 16 of 1867.

UNION DISTRICTS.

SECTION 120. Any two or more contiguous school-districts in this state may associate together and form a union district, for the purpose of maintaining a union school, to be kept for the benefit of the older children of such associated districts, if the inhabitants of each of such districts shall, at legal meetings called for that purpose, agree to form such union by a vote of two thirds of the legal voters thereof, present at such meeting.

Ch. 22 G. S., § 66. See No. 33 of 1868, p. 36.

SECTION 121. The several union districts in this state, in the distribution of the public school money, by the several

towns in which such union districts may be situated, as to that part which is to be distributed for attendance of scholars, shall be accounted as a common school district, and shall receive a proportionate share of the public school money, under the same regulations and conditions that are provided for common school districts. *Provided*, however, that nothing in this section shall be construed as affecting in any way the provisions of "an act to enlarge the powers of the Montpelier Union District," approved November 21, 1859.

Ch. 22 G. S., § 67.

SECTION 122. Every union district thus formed shall be a body corporate, with the corporate powers of other school districts, in relation to prosecuting and defending suits at law, and holding real and personal property; and shall be called by such name as said district at its first meeting shall determine.

Ch. 22 G. S., § 68.

SECTION 123. The first meeting of such union district shall be called in such manner, and at such time and place, as may be agreed upon by the associate districts respectively, by a vote of the same, at the time of forming such union.

Ch. 22 G. S., § 69.

SECTION 124. Such union district, at the first meeting thereof, shall choose by ballot a clerk, who shall perform the same duties as are prescribed in relation to the clerks of other school districts, and shall hold his office until another shall be chosen in his stead.

Ch. 22 G. S., § 70.

SECTION 125. The several union school-districts shall hold their annual meetings for the election of officers on the first Wednesday after the last Tuesday of March in each

year; and the term of office of the officers then elected shall continue for one year, and until others are elected.

Ch. 22 G. S., § 71.

SECTION 126. Such union district may, at any legal meeting called for that purpose, raise money for erecting, purchasing, renting, or repairing any building to be used as a school-house for the union school aforesaid, and purchasing or renting land for the use and accommodation thereof; also, for purchasing fuel, furniture, and other necessary articles for the use of said school, and in assessing and collecting a tax or taxes for the above purposes, the like proceedings shall be had as are prescribed by law for other school-districts; said district may also determine where said school-house shall stand, and in case the location thereof should not be so determined by said district, the same shall be referred to the selectmen of the town or towns in which such districts so uniting are situated, in the same manner as is provided in the case of other districts, and said districts may choose any committee to carry into effect the provisions aforesaid.

Ch. 22 G. S., § 72.

SECTION 127. The chairmen of the prudential committees, of the various districts composing the union district, shall together constitute the prudential committee of the union district, and the member of the prudential committee of any school-district first elected shall be considered the chairman thereof: *Provided*, that whenever such union district shall be formed of an even number of districts, there shall be added to said committee one person, resident in such union district, who shall be chosen annually at any legal meeting of said union district, duly warned for that purpose, and who shall hold his office for one year there-

after, and until another shall be chosen ; and such prudential committee shall have, all the powers, and discharge all the duties in relation to said school, and the school-house or houses of such district, as are prescribed to other prudential committees in relation to the school and school-houses in their respective districts.

Ch. 22 G. S., § 73, as amended by No. 24 of 1863, p. 32.

SECTION 128. The prudential committee of the union district shall also determine the ages and qualifications of the children of the associated districts, who may attend the union school ; and every union school district shall be entitled to receive their proportion of the public school money, as provided in section sixty-seven of this chapter, [section 121 of this compilation], and under the regulations and conditions therein prescribed : Provided, however, that the schools in each of the associated districts shall continue to be maintained in the same manner as if there had been no provision for the establishment of union districts.

Ch. 22 G. S., § 74.

SECTION 129. Each union district, at its annual meeting, shall choose a moderator and collector or collectors of taxes, and treasurer, who shall perform the same duties as prescribed in relation to moderator, collectors, and treasurer of other school districts, and shall hold office until others shall be chosen in their stead ; and such union district may, at any legal meeting called for that purpose, raise money for paying teachers' wages, and in assessing and collecting a tax or taxes for that purpose the like proceedings shall be had as are prescribed by law for other school districts.

Ch. 22 G. S., § 75.

SECTION 130. In case any district, being a member of a union school district, becomes dissatisfied therewith, it may withdraw therefrom by a concurrent vote of two-thirds of the voters present, at meetings duly warned for that purpose of the inhabitants of each of said districts respectively, to wit: the dissatisfied district and the union district: Provided, that the inhabitants of said dissatisfied district shall not be entitled to vote at the meeting of the union district on the question of permitting them to withdraw therefrom.

Ch. 22 G. S., § 76.

SECTION 131. If any contiguous school district wishes to join a union school district, it may do so by a vote of two-thirds of the legal voters, inhabitants of said contiguous district, at a meeting duly warned for the purpose, and shall thereupon become a member of, and entitled to share equally with the original members in all the rights and privileges belonging to said union district: Provided, such union district shall, by a majority of two-thirds of the voters present, at a meeting duly warned for that purpose, vote to receive such contiguous district.

Ch. 22 G. S., § 77.

TOWN SCHOOL FUND.

SECTION 132. The selectmen of the several towns shall have the charge, care and management of all real and personal estate, in any town, appropriated as a fund for the use of schools in such town, unless otherwise provided for by law, or unless the person granting such estate shall direct the same to be kept and managed in some other way, or by some other persons; and the selectmen shall lease all lands, which may be appropriated for such purpose, and loan all

moneys, on annual interest and with sufficient security, and shall annually render an account of the same to the town ; and may, in the name of the town, commence, prosecute, and defend all actions necessary for the recovery or protection of the estate so intrusted to their care.

Ch. 22 G. S., § 78; 38 Vt. 193.

SECTION 133. All leases, bonds, mortgages, and other securities, belonging to such fund, shall be deposited in the office of the treasurer of the town ; and the rents, interest, and income of such fund, and all moneys received on account of the same, shall be paid into the treasury of such town ; and a separate account of the same shall be kept on the books of the treasurer.

Ch. 22 G. S., § 79.

SECTION 134. The selectmen of each town shall, annually, previous to the first day of January, assess a tax of nine cents on the dollar of the list of such town, to be collected and paid to the treasurer of the town previous to the first day of March succeeding, in the same manner that other town taxes are collected, except as provided in the two following sections.

Ch. 22 G. S., § 80; 38 Vt. 229.

SECTION 135. If, in any town, the income appropriated in such town for the use of schools, after deducting one-half the income arising from the United States deposit money, shall amount to as large a sum as would be raised by such tax, the selectmen shall not be required to assess the same ; or if such income shall be less, the selectmen shall assess a tax only sufficient, with such income, to amount to the sum which would be raised by a tax of nine cents on the dollar.

Ch. 22 G. S., § 81.

SECTION 136. The several towns may, at the annual March meeting, or at any other meeting warned for that purpose, raise such sum for the use of schools as they may think proper, by a tax on the list of such towns: and if the sums so raised, together with the income appropriated to that use, after the deductions mentioned in the preceding section, shall in any one year amount to as large a sum as would be raised by the tax required by this chapter to be assessed by the selectmen, such tax may be omitted.

Ch. 22 G. S., § 82.

SECTION 137. The one-half part of the proceeds of the tax assessed by the selectmen, with the income of any town appropriated to the use of schools, and all sums raised by vote of the town for such use, shall annually, on the Friday next preceding the last Tuesday of March, be divided by the selectmen of such town between the several common school districts in such town equally, without regard to the number of scholars such district may contain; and the remaining one-half shall be divided between such districts, including also any union district, in proportion to the aggregate attendance of the scholars of such district, between the ages of five and twenty years, upon the common schools in such district, during the preceding school year; such aggregate attendance to be ascertained from the record thereof, to be kept in the registers of such schools, by adding together the number of days of actual attendance of each legal scholar, as shown by the register. And the same shall be paid over, under the direction of the selectmen, to the several treasurers of such districts; provided, that no union district, nor district for the support of common schools, shall receive any share of such moneys unless there shall, during the year next preceding such distribution, have been kept in such district a school

for two full terms of ten weeks each, or their equivalent; provided also, that nothing herein shall affect the powers of Montpelier union district, under the act entitled, "An act to enlarge the powers of such district," approved November 21, 1859.

Ch. 22 G. S., § 83, as amended by No. 40 of 1874, p. 69.

SECTION 138. It shall be the duty of the selectmen, in making their distributions of public moneys as required in the preceding section of this chapter, to regard the returns of district clerks, as provided for in this chapter, as returns for the year preceding such distribution.

Ch. 22 G. S., § 84.

SECTION 139. It shall be the duty of the selectmen of each town, in the month of April, annually, after they shall have made division of the public money to the several districts as required by law, to leave with the town clerk of the town a written statement of the amount of money by them divided to each district during the current school year.

Ch. 22 G. S., § 85.

SECTION 140. When any district shall be formed of territory, or of inhabitants, belonging to two or more towns, such district shall receive from the treasury of each town a proportion of the moneys so distributed, as follows:

First. Of that part which, by the provisions of this chapter, is to be divided equally among the districts, such sum as is in the proportion to the sum severally received by the other districts in such town, which the number of children in such district, residing in such town, bears to the whole number of children in such district.

Second. Of that part of the public money which is required to be divided among the districts in proportion to the aggregate attendance of the scholars of such districts, between the ages of five and twenty years, each district shall receive such sum as will be in proportion to the whole sum to be divided in such towns, which the aggregate attendance of the whole number of children in such district, residing in such town, bears to the aggregate attendance of the whole number of children in such town. And the clerk of such district shall make returns to the town superintendent of schools in each town, specifying the number of children in the district between the ages of five and twenty years, and the number residing in each of the towns composing such district, and the aggregate attendance of children in such district residing in each town, and also the aggregate attendance of the whole number of children between the ages of five and twenty years, in such district.

Ch. 22 G. S., § 86, as amended by No. 40 of 1874, p. 71.

SECTION 146. If the selectmen of any town shall neglect or refuse to assess, collect, or appropriate the tax for the support of schools as provided in this chapter, such town shall forfeit and pay to the county in which such town may be situated, as a penalty, a sum equal to double the amount which the selectmen shall be required to raise by tax, with costs, to be recovered, by information or indictment, in the county court of such county.

Ch. 22 G. S., § 87.—13 Vt. 565.

SECTION 147. One fourth part of such penalty shall be for the use of the county, and the other three fourths thereof shall be paid to the selectmen for the use of schools in such town ; and it shall be the duty of the treasurer of the county, immediately after the receipt of such money, to give notice

thereof to the selectmen of the town, and the selectmen shall forthwith receive, apportion, and appropriate the same to the support of schools in such town, in the same manner as it should have been if raised by tax assessed by the selectmen.

Ch. 22 G. S., § 88.

SECTION 148. It shall be the duty of the grand-jurors impanelled before the several county courts, annually to inquire and ascertain, whether the several towns in their respective counties shall have duly assessed, collected, and expended the tax for the support of schools, as required in this chapter; and in case of any neglect, it shall be the duty of the grand-jurors to present their indictment thereof to the court.

Ch. 22 G. S., § 89.

SECTION 149. If any person intrusted, according to the provisions of this chapter, with the care, charge, or management of any money, land, or other property, belonging to any town or school-district for the use of schools, shall embezzle, misapply, or conceal the same, or any part thereof, he shall be liable to be removed from his trust, and shall forfeit to such town or district, as the case may be, a sum double the amount so embezzled, misapplied, or concealed, to be recovered in an action on the case in the name of such town or district, with costs.

Ch. 22 G. S., § 90.

UNITED STATES DEPOSIT MONEY.

SECTION 150. The treasurer of this state shall be authorized to receive any moneys, belonging to the United States, hereafter to be deposited with this state, and to give a certificate of deposit for the same, according to the provisions of the existing law.

Ch. 22 G. S., § 91.

SECTION 151. All such moneys belonging to the United States, which have been heretofore, or which shall hereafter be received by the treasurer of this state by deposit from the United States, shall be apportioned to, and continue to be distributed and deposited with, the several towns in the state, organized and unorganized, and to the gores of land, in proportion to the number of inhabitants in each, according to the census of the United States of the year one thousand eight hundred and sixty: *Provided*, however, that the treasurer of the state shall hold in trust so much of such money as shall appertain to such unorganized towns and gores, to be put to interest for the use of such unorganized towns and gores, as he shall deem most expedient; and he shall pay so much of the interest thereof annually, as may be apportioned to the population thereof, to such unorganized towns and gores as may be entitled to the same, for having maintained a school or schools therein the previous year; the inhabitants of said unorganized towns and gores being hereby authorized to form themselves into districts for the support of schools, and the payment of such interest shall be made to the treasurers of such districts; and if there be more than one school-district in any unorganized town or gore, the same rate shall be observed in apportioning the money among the districts, as is provided for in organized towns.

Ch. 22 G. S., § 92.

SECTION 152. It shall be the duty of the treasurer of the state to see that a just and true apportionment among the organized and unorganized towns and gores shall be or shall have been made of the public moneys so deposited as soon as may be, according to the United States census for eighteen hundred and sixty; and whenever there shall be from

time to time a new census of the population of this state, under the laws of congress or of this state, a new apportionment of such moneys shall be made by such treasurer among such towns and gores as need be.

Ch. 22 G. S., § 93.

SECTION 153. Whenever it shall be found, that, upon any apportionment which shall have been made upon the United States census of eighteen hundred and sixty, or upon any new and subsequent apportionment, any town shall have more of such moneys than its just proportion, the treasurer shall have a right to demand and recover from such town the amount of such excess; and if it shall be found that any town shall have less than its just proportion, it shall be the duty of the treasurer to make up the deficiency and pay over the same to such town.

Ch. 22 G. S., § 94.

SECTION 154. The several towns shall, at each annual meeting, elect one or more trustees, not exceeding three, in the same manner other town officers are elected, whose duty it shall be to receive, take care of, and manage the money deposited with the respective towns, and they shall at each annual meeting of their respective towns make a full report of the condition and situation of the deposit money received by them.

Ch. 22 G. S., § 95.

SECTION 155. If any town shall neglect or refuse to appoint such trustees, it shall be the duty of the treasurer of the state to retain the proportion which may belong to such town, and shall annually, previous to the first day of March, pay to the treasurer of such town the interest on the same.

Ch. 22 G. S., § 96, as amended by No. 39 of 1865, p. 47.

SECTION 156. The treasurer of the state is authorized, in the collection of the United States deposit money, loaned by former treasurers, to adjust and settle the same as may seem for the interest of the state.

Ch. 22 G. S., § 96, as amended by No. 39 of 1865, p. 47.

SECTION 157. The trustees of the several towns, before they enter upon the duties of their office, shall execute a bond to such towns, with three or more sufficient sureties, in such sum as the selectmen shall direct and accept, with a condition :

First. Faithfully to perform their duty in loaning, managing, and accounting for all sums of money which may be placed in their charge, under the provisions of this chapter.

Second. To pay over the same, or any part thereof, as may be required by law.

Ch. 22 G. S., § 97. .

SECTION 158. If any person, elected trustee according to the provisions of section ninety-five of this chapter [section 154 of this compilation], shall neglect or refuse to give bonds as provided by the preceding section of this chapter, his office shall be vacant, and such vacancy may be filled by the town by a new choice at any legal meeting, as in other cases of vacancy in town offices.

Ch. 22 G. S., § 98.

SECTION 159. When trustees shall be appointed by any town, as provided in this chapter, and shall have given bonds as required in section ninety-seven of this chapter [section 157 of this compilation], the treasurer of the state shall pay over to such trustees all such moneys as such town shall be entitled to; and the trustees shall thereupon execute to said treasurer their receipt for the same, of the

tenor and effect of the certificate of deposit which the treasurer has been or shall be required to give to the secretary of the treasury of the United States.

Ch. 22 G. S., § 99.

SECTION 160. Each town, which has or shall appoint trustees, and through them shall or shall have received its proportion of the moneys of the United States, so deposited with this state, shall be accountable to the state for the return of the same, or any part thereof, whenever it shall be required by the treasurer of the state, on the requisition of the United States, or for the purpose of carrying into effect a new apportionment, in like manner as towns are accountable for state taxes.

Ch. 22 G. S., § 100.

SECTION 161. The trustees of the several towns shall loan the money, deposited with such towns, in such sums and to such persons as they shall judge expedient, with sufficient personal security, or on mortgage, as they may deem amply safe, taken and made payable to the respective towns, at an interest of six per cent., payable annually.

Ch. 22 G. S., § 101.

SECTION 162. The loans shall be made for a term not exceeding one year at one time; and the money may be collected at the expiration of the period for which it shall be loaned, and be loaned anew to other persons, or the loan may be extended to the same persons for an additional period, in the discretion of the trustees.

Ch. 22 G. S., § 102.

SECTION 163. The trustees of the surplus money of the United States, in the several towns in this state, are authorized to loan the same to their several towns, agreeably to the provisions of this chapter: Provided, that the town

shall, at a meeting legally warned and holden for that purpose, authorize the selectmen to borrow the same for the benefit of the town.

Ch. 22 G. S., § 103.

SECTION 164. All the income received for interest on the moneys so deposited with any towns, and all the income which may be paid over by the treasurer of this state for interest to any towns, when such towns shall not appoint trustees and receive their shares of such moneys, shall be annually appropriated to the support of schools in the respective towns.

Ch. 22 G. S., § 104.

SECTION 165. It shall be the duty of the trustees, annually, previous to the first day of March, to pay over to the treasurer of their respective towns all the income received for interest on such moneys; and the treasurer shall add all sums so received, and such as may be received from the treasurer of this state, for interest, according to the provisions of this chapter, to the other school moneys, and shall give credit for the same, in his account of that fund; and the same shall be distributed by the selectmen, as other moneys, to the several school districts, for the support of schools therein.

Ch. 22 G. S., § 105.

SECTION 166. If any town shall have other school funds, the income of which shall be sufficient to support schools in all the districts in such town for six months in each year, such town shall not be required, as provided in the two preceding sections, to appropriate the income of such deposit money for the support of schools; but may appropriate the same to any other use, as said town shall direct.

Ch. 22 G. S., § 106.

SECTION 167. If any town shall refuse or neglect to perform any of the duties required by the provisions of this chapter, in relation to the management or disposition of the money so deposited with such town, or the interest thereof, such town shall, on indictment and conviction thereof, forfeit and pay, as a fine, to the treasurer of the county in which such town shall be situated, and for the use of such county, a sum not exceeding double the amount of the interest of such moneys.

Ch. 22 G. S., § 107.

SECTION 168. It shall be the duty of the grand jury, impanelled before any county court, to inquire into the manner in which the several towns shall have managed and disposed of the moneys so deposited with them, and the annual interest thereof; and in case of any failure of any town to comply with the requisitions of this chapter, relating to such deposit money, it shall be their duty to present to the court their indictment therefor against such town; and notice thereof shall be given to such town, as is required in case of indictment for not repairing highways.

Ch. 22 G. S., § 108.

SECTION 169. It is hereby made the duty of every teacher of a common school, or of a union school, before he commences his school, to procure from the clerk of the district in which he shall teach, a school register, and therein keep a true record of the daily attendance of each scholar who may attend such school, while under his instruction, in accordance with the form prescribed in such register, and at the close of his school shall enter in said register correct answers to all statistical inquiries therein addressed to teachers, and return such register to the district clerk previous to the receipt of his wages as such teacher. And it is

hereby made the duty of each district clerk to comply with all the requirements made of him in the register or registers of his district, in reference to the statistics of his district, and make oath to the correctness of his returns before a justice of the peace of the county in which he resides, and file said register or registers in the office of the town superintendent on or before the twentieth day of March in each year; and no portion of the public money in any town shall be distributed to any district whose school register or registers shall not be properly filled out and filed in the town clerk's office, pursuant to the provisions of this chapter.

Ch. 22 G. S., § 110.

1864, No. 58, p. 66; 1865, No. 28, p. 40; 1872, No. 18, p. 56.

See No. 30 of 1865, p. 41.

46 Vt. 457; 35 Vt. 623; 41 Vt. 353.

SECTION 170. The several teachers of common schools in the state shall faithfully keep all the records required by section one hundred and ten, chapter twenty-two, of the general statutes [section 169 of this compilation], and shall make correct answers to all statistical inquiries required by said section, and shall make due return thereof to the district clerk, or such person as he may designate; and no prudential committee shall be authorized or allowed to pay such teachers for their services until the register properly filled up and completed shall be so returned.

No. 30 of 1865, p. 41.

SECTION 171. It shall be the duty of the district clerk to certify to the teacher that the register so returned is filled out and certified to by said teacher, as required by law; and said teacher shall not be entitled to his wages except on presentation of said certificate to the prudential committee of said district.

No. 19 of 1867, p. 27.

SCHOOL HOUSES AND YARDS.

SECTION 172. Whenever it shall be determined in any school district in what place in said school district the school house shall be located, and the owner or owners of the land upon which it is proposed to locate such house, including also sufficient lands for school house yards, and convenient and necessary outbuildings, shall refuse to sell and convey the same, by deed, to such district, or shall, in the opinion of the prudential committee of such district, demand an unreasonable sum therefor; and also whenever in the opinion of any school district, expressed by vote of such district at a legal meeting warned for that purpose, it shall become necessary to have more land attached to the school house of such district, for the accommodation and convenience of the same, or to enlarge the grounds or lands belonging to and adjoining such school house lands, such district may purchase for the use of the same such lands as may be necessary for the accommodation and convenience of the same; and if the owner or owners of such lands shall refuse to convey the same, by deed, to said district, or, in the opinion of such district, shall demand an unreasonable sum therefor, such district, by their prudential committee, in any of the aforesaid cases, may apply to the selectmen of the town in which such district is located, whose duty it shall be to locate and set out such lands as may be required for any of the aforesaid purposes, and when the same shall have been determined upon by them, to cause the same to be surveyed; and they shall proceed to ascertain what damages shall be sustained by the owner or owners of the same; but before they shall determine the amount of damages which any one may sustain, they shall cause him to be notified of the time and place of hearing, either per-

sonally or by leaving written notice at the residence of such owner or owners of the land; and when they shall have completed their inquiries, they shall make their report, stating particularly all their proceedings and decision, with their survey and appraisal of damages, if any, and shall file the same in the town clerk's office in the town where such lands are situated, and shall cause the same to be there recorded.

Ch. 22 G. S., § 114; 33 Vt. 271.

SECTION 173. Before the school district shall enter on such lands, it shall pay or tender to such owner or owners the amount of such damages so appraised by said selectmen.

Ch. 22 G. S., § 115.

SECTION 174. If the owner or owners of such land shall not accept the damages so appraised by said selectmen, the prudential committee of such district, on behalf of such district, may agree with the owner or owners of such land, to refer the question of damages to one or more disinterested persons, whose award shall be made in writing and shall be final.

Ch. 22 G. S., § 116.

SECTION 175. If any person interested in the land which the selectmen may have located and set out, as aforesaid, shall be dissatisfied with such location, or with the compensation awarded for his damages, he may make his application in writing by petition to the county court in the same county, and at their next stated term, if there should be sufficient time for notice, and if not, to the next succeeding term, and any number of persons aggrieved may join in the petition; and the petition, together with a citation for that purpose, shall be served on one or more of the prudential committee of such school-district, at least twelve days be-

fore the session of the county court, and the court shall appoint three disinterested commissioners to inquire into the convenience and the necessity of such school-house, and the manner of its location, and of the necessity of such lands, and the amount required, as well as the matter of damages which may have been sustained by the persons interested therein.

Ch. 22 G. S., § 117.

SECTION 176. The commissioners shall give six days' notice to one or more of the prudential committee of such school-district, of the time and place when and where they will make such inquiry, and hear the parties ; and on the report of such commissioners the court may establish or set aside such location, or such parts thereof as shall appear just, and may render judgment for the petitioner to recover against such school-district such sum for damages as shall appear to said court to be just and reasonable, and the court may tax costs for either party as shall appear to be just.

Ch. 22 G. S., § 118.

SECTION 177. When application shall be made to the county court as provided in the two preceding sections of this chapter, the opening of the lot of land surveyed and laid out by the selectmen shall be stayed until the decision of the county court in the premises ; and such court may fix the time for opening the same and the payment of damages, and if such damages shall not be paid within the time limited, the court may award execution for the same.

Ch. 22 G. S., § 119.

SECTION 178. If any school-district shall require lands for any of the purposes specified in the one hundred and fourteenth section of this chapter, and the lands so required be encumbered by mortgage, such school district shall cause

the same notice to be given to the mortgagee, or the assignee of the mortgage, that is required to be given to the owner ; and the damage agreed upon, or otherwise determined, as specified in this chapter, shall be paid to the mortgagee or his assignee ; but if the sum due on the mortgage be less than the damage, the amount due thereon shall be paid to the holder, and the balance to the owner, on the payment of which damage a valid title shall vest in the district for the purpose aforesaid.

Ch. 22 G. S., § 120.

COMPULSORY EDUCATION.

1867, No. 35, p. 47.

AN ACT CONCERNING THE EDUCATION OF CHILDREN BETWEEN EIGHT AND FOURTEEN YEARS OF AGE.

SECTION 1. Every child of good health and sound mind, between eight and fourteen years of age, in this state, shall attend a public school at least three months in the year, unless such child has been otherwise furnished with the means of education for a like period of time, or has already acquired the branches of learning taught in the public schools.

SECTION 2. No child between the above ages, who has resided in this state one year, shall be employed in any mill or factory, unless such child has already attended a public school three months within the year next preceding.

SECTION 3. Every parent or guardian who permits his child or ward to violate the above provisions, or any owner, employer or overseer of any mill or factory, who shall em-

ploy any child in violation of section two of this act, shall forfeit and pay a sum not less than ten dollars or more than twenty dollars, to be recovered like other penalties, by prosecution before any justice of the peace, one half of said penalty to go to the complainant, and the other half to the treasurer of the town in which such child resides.

Approved, November 21, 1867.

1870, No. 13, p. 48.

AN ACT TO COMPEL CHILDREN TO ATTEND SCHOOL.

SECTION 1. If any child of good health and sound mind, between the age of eight and fourteen years, shall, during the term of the public school in the district in which he resides, be an habitual truant, or be habitually found in the streets or public places, having no lawful occupation or business, not attending school and growing up in ignorance, each member of the board of civil authority in the town where such school-district is situated, and each member of the prudential committee of such district, and each sheriff, deputy sheriff or constable in such town is hereby authorized, and it is made his duty, upon application in writing of any three legal voters of said district, to arrest such child and take him to the school in said district and place him in charge of the teacher thereof; and the officer making such arrest shall thereupon give notice in writing to the parent, guardian or master of such child, and shall therein require such parent, guardian or master to cause such child to attend school regularly.

SECTION 2. And if such parent, guardian or master shall, for the space of six days, disregard such notice and re-

quirements, and not cause such child to attend school regularly for said six days, having no good reason therefor, then it shall be the duty of the officer making such arrest to make complaint to any justice of the peace against such parent, guardian or master, and such child; and the said justice, upon such complaint, is authorized to issue a warrant directed to any sheriff or constable in the state, commanding him forthwith to arrest and bring before said justice, such parent, master or guardian, and such child, and upon proof before said justice of the facts above recited, and that such master, parent or guardian has not caused such child to attend school regularly for the space of six days after such notice, such justice may impose upon such parent, master or guardian, the penalty imposed by section three of an act entitled "An act concerning the education of children between eight and fourteen years of age," approved November 21st, 1867, the said fine to be paid into the treasury of the town in which such parent or guardian resides, for the benefit of schools in said town.

SECTION 3. Said complaint shall be sufficient if the same state that the said parent, master or guardian neglects to send to school as required by law his child, apprentice or ward, naming such child, apprentice or ward.

SECTION 4. Prosecutions under this act shall be conducted in manner and form as on prosecution for crime under the general laws of the state, and an appeal shall lie to the county court as in other cases for prosecution for crime.

SECTION 5. This act shall take effect December 1st, 1870.

Approved November 23, 1870.

DISTURBING EXERCISES OF SCHOOL.

CHAPTER ONE HUNDRED AND SIXTEEN, GENERAL STATUTES, SECTION TEN.

SECTION 10. If any person, by tumultuous noise or quarreling, or by any disorderly or unlawful act, shall disturb any town, society, or district meeting, or the exercises of any school, or any other meeting lawfully assembled, or by force or menace hinder or interrupt the business of any such meeting, or the exercises of any school, he shall for every such offence be punished by a fine not exceeding one hundred dollars.

1863, No. 9, p. 14. 1869, No. 45, p. 48.

OF INSTRUCTION OF THE DEAF AND DUMB AND BLIND.

GENERAL STATUTES, CHAPTER TWENTY-THREE.

SECTION

1. Governor to be *ex officio* commissioner.
2. Annual appropriations.
3. Institutions for instruction of deaf, dumb and blind.
4. Board of civil authority to certify to county clerk number of deaf and dumb and blind persons.
5. County clerk to make return to governor.

SECTION

6. General powers and duties of governor.
7. When expense of conveyance of beneficiary is to be defrayed.
8. Governor to report annually to the legislature.
9. Compensation.

SECTION 1. The governor of this state shall, *ex officio*, be commissioner of the deaf, the dumb, and the blind, and, as such commissioner, shall constitute the board for their instruction.

SECTION 2. A sum not exceeding five thousand dollars may be annually drawn from the treasury of this state, by

the governor, for the benefit of the deaf and dumb, and a sum not exceeding four thousand dollars may also be drawn, annually by him, for the benefit of the blind, to be appropriated agreeably to the provisions of said chapter.

As amended by No. 81 of 1874, p. 113.

SECTION 3. Until provision is otherwise made by law, the beneficiaries mentioned in this chapter shall be instructed at the following places, that is to say:—the deaf and dumb at the American Asylum, established in the city of Hartford, in the state of Connecticut, for the education of the deaf and dumb; and the blind, at the New England Institution for the Instruction of the Blind, established in the city of Boston, in the commonwealth of Massachusetts.

As amended by No. 40 of 1868, p. 4.

[1868, No. 40, p. 41.

AN ACT TO AMEND SECTION THREE OF CHAPTER TWENTY-THREE OF THE GENERAL STATUTES, RELATING TO THE INSTRUCTION OF THE DEAF, DUMB, AND BLIND.

Section 1. Section three of chapter twenty-three of the general statutes, is hereby so amended as to include among the institutions at which the deaf and dumb may be instructed, the Clark Institution at Northampton, in the commonwealth of Massachusetts.]

SECTION 4. The board of civil authority in each town shall ascertain, and certify to the county clerk, on or before the first day of February, annually, the number of deaf and dumb persons and the number of blind persons in such town, their respective ages, condition, and circumstances, and the ability of their parents to educate them, and whether, in the opinion of such board, such deaf and dumb and blind persons are proper subjects of the charity of this state, and

whether they and their parents or guardians are willing they should become beneficiaries of either of the institutions mentioned in the third section of this chapter, or such other institution as may be provided by law for the instruction of deaf and dumb or blind persons.

SECTION 5. Each county clerk shall make return to the governor before the first day of March in each year, of all the information he receives from the several boards of civil authority in his county..

SECTION 6. The governor shall have power to approbate and designate beneficiaries, as aforesaid; to draw orders on the treasury for any part of the appropriations provided in the second section; to superintend and direct all concerns relating to the education of deaf and dumb or blind persons, inhabitants of this state, and to allow all or any portion of the expenses of their conveyance to, and support in, the institutions in which they are instructed, for such term of time as he shall deem proper; and he may, in his discretion, take bonds to indemnify the state against expenses which may accrue in consequence of the sickness, clothing, or transportation of any of the beneficiaries.

SECTION 7. Whenever any person shall be approbated and designated a beneficiary, under this chapter, the selectmen of the town in which such beneficiary resides are empowered and authorized to defray the expenses of the conveyance of such beneficiary to and from the institution in which such beneficiary is to be instructed, out of the treasuries of their respective towns, if, in their opinion, the parents or guardians of the beneficiary have not sufficient means to pay the same.

SECTION 8. The governor shall annually report to the legislature the proceedings, with an account of the expenditures incurred in the discharge of these duties.

SECTION 9. The governor of this state shall be entitled to receive from the state treasury, annually, fifty dollars, as a compensation for his services in the discharge of the duties required by this chapter.

DIVISION OF THE PROPERTY OF SCHOOL DISTRICTS.

1872, No. 13, p. 51.

AN ACT RELATING TO THE DIVISION OF THE PROPERTY OF SCHOOL DISTRICTS.

SECTION 1. Whenever any school district within this state shall be divided into two or more districts, and said districts shall fail to agree upon a division of their corporate property, it shall be the duty of the clerk of the district so divided, or, in his absence, or inability, or refusal to act, of any tax-payer in either portion of said district so divided, to apply to the assistant judges of the county court, for the time being, in which such original district is situated; and it shall be the duty of such judges, within a reasonable time after the organization of such new districts, according to their judgment and discretion, to make a fair, just and equitable division of all the property and assets of such original district, including taxes voted but not collected between the said new districts, as hereinafter provided.

SECTION 2. Said judges shall give notice to all interested, of the time and place of hearing, by posting upon the

school house in the original district, and in one other public place in each of said new districts, a written notification, therein stating the time when and the place where they will examine the property and hear the parties interested in the division of such property and assets, at least twenty days prior to the time set for hearing.

SECTION 3. Whenever the property of such districts is of a kind or character that it cannot be divided equally between the new districts, said judges are hereby empowered to make sale of the same, and execute therefor all proper deeds of conveyance and other writings necessary for a proper transfer of said property; and such deeds and conveyances, when recorded in the town clerk's office of the town or towns where such property is situate, shall be valid in law to pass the title to such property to the purchaser thereof; and the said judges shall divide the proceeds of such sale between the several new districts as to the said judges shall appear just and equitable.

SECTION 4. Whenever any part of the property of said original district shall consist of a school house or other buildings, or buildings and land, which can be used and appropriated beneficially by one of the new districts, said judges may, in their discretion, set the same to such new district in which the buildings or land are situate, and may assess upon the district to which such lands and buildings may be set such sum in money therefor as may appear just to said judges, and may order the same to be paid over to such other new district or districts, in such time and manner as said judges may direct.

SECTION 5. If either of said judges shall reside in or own real estate in such divided district, he shall be thereby disqualified to act in the premises; and in such case, the

other of said judges shall be invested with all the powers of both, and shall perform all the duties hereinbefore provided for both of said judges when not disqualified.

SECTION 6. When said judges shall have completed the business of such division, it shall be their duty to make a full return of their doings to the town-clerk of the town or towns in which the original district is located, therein stating the property divided, the manner of the division, the names of the persons to whom sold; and when the same consists of real estate, the same shall be described by sufficient metes and bounds; and said return of said judges shall be recorded at length in said town-clerk's office.

SECTION 7. The costs and charges of the said judges in making any such division shall be borne by such new districts in such proportions as said judges shall determine and certify in their said doings; and each of such districts shall be liable to pay to the said judges the sum so by them certified as aforesaid, to be recovered in the joint names of the said judges in an action on the case founded on this statute.

SECTION 8. Whenever the buildings or land of said original district shall be set to one portion of the same after division and organization, as provided in section four of this act, and an assessment by said judges be made upon such district and ordered to be paid to the other new district, and the district so assessed shall, for the space of six months, neglect or refuse to pay to the district entitled to the same the sum so assessed and ordered to be paid by said judges, such district to which the said sum may be awarded may recover the same.

SECTION 9. This act shall take effect from its passage.

Approved, November 27, 1872.

NORMAL SCHOOLS.

1866, No. 1, p. 3.

AN ACT TO ESTABLISH A STATE NORMAL SCHOOL.

SECTION 1. The Orange County Grammar School at Randolph Center, is hereby constituted and established a normal school for the state of Vermont, for the term of five years, and the present trustees of said grammar school and their successors are constituted trustees of said normal school.

[Sections 2, 3, 4, 5, and 6. repealed.]

SECTION 7. The board of education may consider similar proposals from other academies in the state, and establish not exceeding one normal school in each congressional district, and arrange for them courses of study, conduct examinations, give certificates, nominate teachers, and generally exercise over them the same supervision as [is] provided in this act. And the trustees of such academies as may be designated as state normal schools, shall be respectively trustees of such normal schools, and have the same powers and rights as the trustees of the normal school hereby established. *Provided*, that the state normal school hereby established, and such others as the board of education may establish, shall be established and maintained without any expense to the state, excepting the payment of the board of education for their services.

SECTION 8. This act shall not apply to or be binding upon the Orange County Grammar School until the trustees thereof shall, in writing, notify the secretary of state of their acceptance of the same.

SECTION 9. This act shall take effect from its passage.

Approved November 17, 1866.

1870, No. 20, p. 57.

AN ACT TO EXTEND THE PROVISIONS OF AN ACT ENTITLED, "AN ACT TO ESTABLISH A STATE NORMAL SCHOOL," APPROVED NOVEMBER 17, 1866.

SECTION 1. The provisions of an act entitled "an act to establish a state normal school," approved November 17, 1866, and the existence of the state normal schools established under the provisions of the said act, are hereby extended and continued until March first. A. D. 1875.

[Section 2 repealed.]

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect from its passage.

Approved, November 22, 1870.

1870, No. 19, p. 56.

AN ACT RELATING TO THE NORMAL SCHOOLS OF THIS STATE.

SECTION 1. The sum of ten hundred dollars per annum is hereby appropriated to each of the three normal schools now established in this state, for the purpose of assisting those young men and women, inhabitants of this state, who may desire to more perfectly qualify themselves for teaching by attending said schools, and who shall give satisfactory assurances to the board of education that they will hold themselves in readiness to teach in the common schools of this state at least two years subsequent to their graduation. And such appropriation shall be expended by the trustees

of each of said schools, under such rules and regulations as shall be prescribed by the board of education.

SECTION 2. The auditor of accounts is hereby authorized and directed to draw his orders on the state treasurer for the payments of the said sum of ten hundred dollars per annum to the treasurer of the board of trustees of the normal school at Randolph; for the payments of the like sum per annum to the treasurer of the board of trustees of the normal school at Johnson; and for the payments of the further like sum per annum to the treasurer of the board of trustees of the normal school at Castleton.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect from its passage.

Approved, November 22, 1870.

1872, No. 20, p. 60.

AN ACT MAKING A FURTHER APPROPRIATION TO THE NORMAL SCHOOLS OF THIS STATE.

SECTION 1. The further sum of five hundred dollars per annum is hereby appropriated to each of the three normal schools now established in this state, to be expended by the trustees of each of said schools, with the concurrence and under the direction of the board of education, in aiding and assisting each of said schools.

SECTION 2. The auditor of accounts is hereby authorized and directed to draw his order on the state treasurer for the payment of said sum of five hundred dollars per annum to the treasurer of the board of trustees of the normal school at Johnson; for the payment of the like sum per annum to

the treasurer of the board of trustees of the normal school at Castleton; and for the payment of the further like sum per annum to the treasurer of the board of trustees of the normal school at Randolph.

SECTION 3. This act shall take effect from its passage.

Approved, November 27, 1872.

1874, No. 34, p. 62.

AN ACT TO AMEND AN ACT APPROVED NOVEMBER 22, 1870, ENTITLED, "AN ACT TO EXTEND THE PROVISIONS OF AN ACT ENTITLED, 'AN ACT TO ESTABLISH A STATE NORMAL SCHOOL,' APPROVED NOVEMBER 17, 1866."

SECTION 1. The provisions of an act approved November 22, 1870, entitled "An act to extend the provisions of an act entitled 'an act to establish a state normal school,' approved November 17, 1866," and the existence of the state normal schools extended and continued under the provisions of said act, are hereby extended and continued until August 1, 1880.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect from its passage.

Approved, November 23, 1874.

1874, No. 35, p. 63.

AN ACT RELATING TO NORMAL SCHOOLS.

SECTION 1. It shall be the duty of the state superintendent of education to nominate and approve a principal

teacher and a first assistant teacher for each of the normal schools of this state established by law, and to withdraw such approval whenever the interests of the school demand ; and no person not so nominated, or the approval of whom shall have been withdrawn by the said state superintendent, shall be employed as such principal or first assistant ; but the said principal shall be allowed to select his other assistants, and to provide for the discipline of the school.

SECTION 2. The governor shall annually appoint one practical teacher from each congressional district, whose duty it shall be, together with the state superintendent of education, and the principal of the normal school in each district, to attend and assist in the examination for graduation at the normal school in the district for which he is appointed, and such officers shall constitute a board to revoke the same upon cause shown ; and for services rendered by such person so appointed, he shall receive the sum of four dollars per day, for time actually occupied by him under such appointment, and in addition thereto, his traveling expenses while in the discharge of such duties.

SECTION 3. The trustees of each normal school in the state, in conjunction with the state superintendent of education, shall arrange two courses of study for said schools, and shall wholly control the examination for admission. One course of study shall include all the branches required by law to be taught in the common schools of Vermont ; the other course shall include all contained in the first course and higher branches, and shall require for its completion at least one full year of study, and certificates of graduation shall be granted to all who pass the required examination in the first course, or in both courses. The certificates of graduation from the lower course shall have the effect of

licenses to teach in the common schools of the state for five years from the date thereof, and certificates of graduation from the higher course shall have the effect of licenses to teach in said schools for ten years from the date thereof.

SECTION 4. The sums now annually appropriated for each normal school in the state shall be expended as follows, namely:

Five hundred dollars to be expended by the trustees of each of said schools, with the concurrence and under the direction of the state superintendent of education, in aiding and assisting each of said schools, and the remaining one thousand dollars for the purpose of assisting those young men and women, inhabitants of this state, who may desire to more perfectly qualify themselves for teaching by attending the normal schools aforesaid, and who shall give satisfactory assurances to the state superintendent of education, that they will hold themselves in readiness to teach in the common schools of this state at least two years subsequent to their graduation.

SECTION 5. The several counties in each congressional district shall be entitled to their share of the free scholarships, according to their population; and in case applicants for such scholarships from any such county, equal to the number assigned to such county, shall not present themselves on the first day of each term, the scholarships thus remaining vacant may be assigned by the principal of each school to applicants from some other county in this state; provided, no town shall receive more than ten scholarships.

SECTION 6. The assignments of scholarships to the several counties in each congressional district, shall be made annually in the last week of June, by the state superintendent of education, and the trustees of each normal school.

Applicants for scholarships must be at least fifteen years of age, and be recommended by the town superintendent of the town in which he or she may reside.

SECTION 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 8. This act shall take effect from its passage.

Approved, November 24, 1874.

OFFENCES AGAINST PRIVATE PROPERTY.

GENERAL STATUTES CHAPTER ONE HUNDRED AND THIRTEEN.

SECTION 52. If any person shall wilfully and maliciously break any window or door in any state house, court house, house of public worship, town house, college, school house, academy, or other public building, or in any dwelling house, whether any family reside in the same at the time or not, or in any barn, shed, out-house, store, bank, shop, mill, or factory, he shall be punished by fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding ninety days, or both of said punishments, in the discretion of the court.

See 1863, No. 9, p. 14.

SECTION 53. If any person shall willfully and maliciously break any window or door in any school house or academy, or any out-building attached thereto; or shall willfully and maliciously injure any building, by cutting, or marking, or in any other manner; or shall in any way disfigure the same with paint or otherwise, or deface the same by writing,

printing or painting thereon any obscene word, figure, or device, or by placing thereon any paper or other material bearing such word, figure, or device; or shall injure any shade or ornamental tree or shrub standing upon the grounds belonging to, or upon, the highway or common contiguous to such school house or academy, either by cutting or breaking the same, or by fastening any horse or other animal to the same, he shall be punished by fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding ninety days, or both of said punishments, in the discretion of the court, and shall also be liable to pay the school district owning such school house, or to the trustees of the corporation owning such academy, as the case may be, all damages occasioned by such act or acts, to be recovered in an action founded upon this statute, together with full costs of suit.

SECTION 54. All prosecutions of a criminal nature, for any of the offences described in the preceding section, may be tried and determined by any justice of the peace within the county where the offence is committed; and any justice, before whom such prosecution is tried, may sentence the offenders to pay a fine in a sum not exceeding twenty dollars, and may issue a warrant to carry his judgment into effect, in case no appeal is taken.

SECTION 55. If any person shall turn any cattle, horses, sheep or swine into any yard belonging to any town house, church, or school house, within this state, which is properly enclosed, or knowingly suffer them to run therein, the person so offending shall forfeit and pay a fine of not less than three dollars nor more than ten dollars for each and every offence so committed, with full costs of prosecution, to be recovered before any justice of the peace of the county

where such offence is committed, on complaint of any grand juror of the town in which such offence is committed, or of the state's attorney for the county.

1874, No. 75, p. 108.

AN ACT IN AMENDMENT OF SECTION SEVEN OF
CHAPTER ONE HUNDRED AND THIRTEEN OF
THE GENERAL STATUTES, ENTITLED, "OF
OFFENCES AGAINST PRIVATE PROPERTY," AND
IN ADDITION TO SAID CHAPTER.

SECTION 1. That section seven of chapter one hundred and thirteen of the general statutes shall be so amended as to read as follows:

Every person who shall in the night time break and enter any dwelling house, church, court house, town house, college, academy, school house, or any bank, warehouse, office, shop, store, grocery, manufactory, mill, or any vessel, steamboat, or any railroad car or saloon, with the intent to commit the crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the state prison not more than fifteen years, or be fined not more than one thousand dollars; and shall thereafter be disabled from giving a verdict in any cause whatever.

SECTION 2. Every person who shall break and enter in the night time any of the places mentioned in section one of this act, which are occupied by any person or persons as a sleeping apartment, with the intent to commit the crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the state prison for life, or for a term of years not less than four.

SECTION 3. This act shall take effect from its passage.

Approved, November 23, 1874.

OF PUBLIC LANDS.

GENERAL STATUTES, CHAPTER NINETY-SEVEN.

SECTION

1. The selectmen to have charge of lands granted, as glebes, to the use of the ministry or social worship, and to the first settled minister.
2. To have, and sue to recover, possession of them.
3. To lease such lands; rents to be paid to town treasurer.
4. Rent of glebe lands to be appropriated to use of schools.
5. Rent of lands for the use of the ministry, to be appropriated for the support of religious worship.

SECTION

6. This chapter not to affect any lease or contract under any former law.
7. County treasurer to have care of all public lands in unorganized towns and gores in his county.
8. May maintain or defend all actions relating to such lands.
9. May lease such lands. Rents to be paid into county treasury.
10. Rents to be appropriated for support of schools in town or gore where lands are situated.

SECTION 1. The selectmen in the several towns shall have the care of all the lands in such towns, granted under the authority of the British government, as glebes for the use of the Church of England, and now by law granted to such towns for the use of schools, and all lands granted to the use of the ministry, or the social worship of God, and all lands granted to the first settled minister, and not appropriated according to law.

SECTION 2. The selectmen shall be entitled to the possession of the lands mentioned in the preceding section, except when the same shall have been otherwise disposed of according to law; and may commence and prosecute, or defend, in the name of the town, any action necessary to recover or protect such possession, or recover damages for injuries done to the same.

SECTION 3. The selectmen shall have power to lease all such lands, in such manner as they may judge beneficial, reserving rents for the same, which shall be annually paid into the treasury of the town.

SECTION 4. The rents of lands granted as glebes shall be divided, under the direction of the selectmen, among the several school-districts for the use of schools, in the manner provided by law for the distribution of other moneys appropriated to the use of schools.

SECTION 5. The rents of lands granted to the use of the ministry or social worship of God, and the rents of lands granted to the first settled minister, shall, on the Friday preceding the last Tuesday of March in each year, be equally divided by the selectmen of the town among the different organized religious societies in said town, who maintain public worship at least one fourth of the Sabbaths in the year ; and if there shall be no such society in any town, the same shall be loaned on interest, under the direction of the selectmen, until such society shall be formed, unless it shall be appropriated to pay for preaching the gospel in such town, by vote of such town in town meeting.

As amended by No. 34, p. 39, Acts 1869.

SECTION 6. Nothing in this chapter shall be construed to affect any lease of such lands, or any contract relating to, or disposition of, the same under any previous law.

SECTION 7. The county treasurer of the several counties shall have the care of all the lands in unorganized towns and gores in their respective counties, granted as glebes, all lands granted to the use of the ministry or the social worship of God, all lands granted to the first settled minister, and all lands granted or reserved for the use or support of schools, until such town or gores shall have been organized.

9 Vt. 282.

SECTION 8. The several county treasurers may commence and prosecute or defend, in the name of their respective counties, any action necessary to recover or protect the pos-

session of such lands, or to recover damages for trespass committed on the same, during the time such towns or gores shall remain unorganized.

SECTION 9. The county treasurers shall have power to lease all such lands in such manner as they may judge beneficial, reserving rents for the same, which shall annually be paid into the treasury of the county, until the town or gore in which the lands are situated shall have become organized, and thereafter the rents shall be paid into the treasury of the town in which the lands are situated: Provided, that lands granted to the first settled minister shall not be leased for a longer period, at any one time, than five years, or until a minister shall be settled who shall be entitled to the same.

SECTION 10. The rents that may be paid into the county treasury, agreeably to the provisions of this chapter, shall be paid over to the prudential committee of such district or districts in the unorganized town or gore where such rents accrued, for the support of schools therein.

SCHOOL DISTRICTS—EXECUTIONS AGAINST SCHOOL DISTRICTS—HOW COLLECTED.

EXTRACTS FROM CHAPTER EIGHTY-FIVE OF THE GENERAL STATUTES.

SECTION 3. The inhabitants of every town or school district are hereby declared to be a body politic and corporate, and by their corporate name may sue and be sued, prosecute and defend any proper action or suit, by an agent or attorney, chosen for that purpose.

SECTION 7. When judgment shall be rendered against any county, town, incorporated village, or school district, execution shall issue against the goods or chattels of the inhabitants of such county, town, incorporated village, or school district, and may be levied and collected of the same.

SECTION 8. The officer, who shall receive any such execution to levy and collect, shall forthwith demand the amount thereof of the treasurer of such county, town, or village ; or, if the execution is against a school district, of one of the prudential committee of such district, and such treasurer or committee shall pay the same, with all legal charges, if there shall be moneys in his hands sufficient to pay the same, belonging to such county, town, village, or district.

24 Vt. 551.

SECTION 9. If, at the expiration of twelve days from the time of making such demand, the execution or any part thereof shall remain unpaid, the officer shall proceed to levy and collect the same as therein directed ; but he shall not levy upon the goods or chattels of any such inhabitants until twelve days after such demand shall have been made.

SECTION 10. Any inhabitant, whose goods or chattels shall have been taken on any such execution, may, at any time before the sale of such goods or chattels, pay to the officer the amount of such execution, and all legal charges thereon.

SECTION 11. Such inhabitant shall be entitled to recover against such county, town, village, or district, the sum so paid or levied on his goods or chattels, with interest thereon, at the rate of twelve per cent. per annum, in an action of assumpsit, for money paid, laid out, and expended.

SECTION 14. The selectmen of any town, and the trustees of any village, and prudential committee of any school district, whenever demand of payment is made, on an execution against such town, village, or school district, if there shall not be available funds belonging to such town, village, or district, sufficient to satisfy such execution, with all charges, shall forthwith make and deliver to the collector of taxes for such town, village, or district, a tax-bill, on the list of the inhabitants of such town, village, or district, payable within sixty days from the time of such delivery, sufficient to pay such execution and all legal charges thereon, with twelve per cent. interest, and all other incidental expenses, which tax shall be deemed to have been regularly voted at a legal meeting of such town, village, or district, duly warned for that purpose.

SECTION 16. In all cases where an action is or shall be given by law to the trustees of schools, selectmen, overseer of the poor, or town treasurer, in any town, the action shall be brought in the name of the town to which such trustees, selectmen, overseer, or treasurer belong; and if the action is given against any such officers, it shall be brought against such town; and actions in which the state is the party in interest, shall hereafter be brought and prosecuted in the name of the state; and all actions in which a county is the party in interest, in the name of such county.

TAXES.—COLLECTION OF SCHOOL DISTRICT TAXES.

EXTRACTS FROM CHAPTER EIGHTY-FOUR OF
THE GENERAL STATUTES.ASSESSMENT OF TAXES AND THE POWERS AND DUTIES OF COL-
LECTORS.

SECTION

1. Persons liable to contribute to expenses of government.
2. Taxes to be uniformly assessed.
6. Taxes on school-districts or other communities, how made. Warrants for collection, how issued.
7. Powers and duties of collectors.
8. Constable to give six days notice to person taxed before making distress.
9. On neglect of payment, constable may distrain goods of delinquent.
10. Distress to be kept four days.
11. After which, may be posted and sold in six days.
12. Overplus proceeds of sale to be returned to the owner.
13. For want of goods body may be taken.
14. Copy of warrant to be left with jailer.
15. Jurisdiction of constable, and time in which tax may be collected.
16. Tax against a *feme sole* may be collected of her husband.

SECTION

22. Real estate of non-resident proprietors not to be sold for taxes, except by first constables. Tax-bills to be with first constables from 1st to 15th of August. Duty of constable.
23. Constables to be accountable to collectors.
34. Taxes of non-residents of this state, how collected. Collector may commence trustee suit, &c.
35. Trustee having less than ten dollars liable.
36. Declaration in such suit.
37. Money, how appropriated.
38. Collector having tax against person residing out of town, may notify him by letter, &c.
39. Time appointed for payment of such tax.
40. If person so notified fail to pay tax, collector entitled to pay for travel, &c.

DEATH, REMOVAL OR DISABILITY OF COLLECTOR.

53. Duty of administrator or guardian of deceased or disqualified collector.
54. Vacancy in office of collector to be supplied.
55. If not supplied, succeeding collector shall collect arrearages.
56. Power and duties of collector in closing former taxes.

57. Tax-bill may be put into hands of succeeding collector.
58. If collector is disabled by sickness or otherwise, tax-bill may be given to another collector.
59. Penalty for neglect of duties in section fifty-four.

MISCELLANEOUS.

62. Collector not liable for errors in tax-bill.
63. Collector to be indemnified against illegality in tax-bill.

67. School district and village taxes voted on the first day of March or thereafter, to be assessed on the list completed May fifteenth.

ASSESSMENT OF TAXES, AND THE POWERS AND DUTIES OF
COLLECTORS.

SECTION 1. Every inhabitant of this state, except such as are by law exempted, shall contribute to the public charges and expenses of government.

SECTION 2. All state taxes and all taxes of counties, towns, villages, school districts, or other communities, which are or may be authorized by law to impose taxes, shall be uniformly assessed on the lists of the persons taxed, except where some other rule is provided by law.

SECTION 6. When any town, village, school district, or other community shall impose a tax as authorized by law, it shall be the duty of the selectmen, trustee, or committee appointed for that purpose, to make out a tax-bill of such tax apportioned to the persons liable to pay such a tax, and apply to a justice for a warrant to collect such tax; and any justice to whom such application shall be made, whether liable to such tax or not, is authorized and required to issue such warrant.

17 Vt. 97; 34 Vt. 94; 38 Vt. 221; 39 Vt. 598.

SECTION 7. Collectors of taxes, mentioned in the preceding section, after the receipt of their rate-bill and warrant, shall have the same power in all things, and proceed in the same manner in collecting their taxes, as in this chapter is prescribed for the collection of state taxes; and shall pay over the taxes committed to them for collection by the time and to the persons designated in their respective warrants.

SECTION 8. Each constable, on receiving from the selectmen of his town an assessment or tax-bill, shall indorse thereon the true date when he received the same, and shall immediately give at least six days notice to each inhabitant of such town, taxed in such rate-bill, of the sum of which he is assessed, and of the time and place he will attend to receive such tax before he makes distress therefor, unless in cases where such constable shall have just reason to apprehend such person is about removing out of such town.

19 Vt. 329; 26 Vt. 380; 32 Vt. 769.

SECTION 9. Upon the neglect or refusal of any person to pay his tax, specified in such tax-bill, the constable is empowered and required to distrain the goods and chattels of such person so neglecting or refusing to pay his tax, excepting from distress the arms and accoutrements which it is the duty of such person to keep; and the constable making such distress shall be entitled to eight per cent. commission on such tax, besides his lawful fees.

16 Vt. 439; 18 Vt. 457; 19 Vt. 569.

SECTION 10. When any goods or chattels shall be distrained for the payment of a tax, the constable shall keep such distress, at the cost and charge of the owner, four days, unless the tax for which the distress is taken, and all legal costs and charges, shall be sooner paid.

SECTION 11. If, at the expiration of said four days, the owner do not pay such tax, with all the costs and charges which shall have accrued thereon, the constable, after posting such distress for sale for the space of six days in some public place in the town in which it was taken, shall sell the same at public auction to the highest bidder.

24 Vt. 420.

SECTION 12. After deducting the tax, commission and cost of taking, keeping and selling such distress, the constable shall return the overplus, if any there be, to the former owner on demand, and shall furnish him, if requested, with an account of such tax and the costs.

SECTION 13. For want of goods or chattels whereon to make distress, the constable may take the body of such delinquent and commit him to the common jail, until such tax and costs be paid.

26 Vt. 482; 28 Vt. 680.

SECTION 14. When any person shall be committed agreeably to the preceding section, the constable shall leave with the keeper of the jail an attested copy of his warrant, and shall certify his doings thereon in relation to such delinquent.

19 Vt. 447; 28 Vt. 680.

SECTION 15. The constable or collector of any tax shall have power to collect the same in any place in the state, and may execute his warrant, agreeably to the provisions of this chapter, wherever he may find the property or body of a delinquent, and at any time within three years from the time he received the tax-bill of such tax; or if any person against whom such collector shall have a tax shall be absent from the state at the time such collector receives his tax-bill, or shall remove out of the state within one year thereafter, and have or leave no property known to such collector within the state, which can be distrained for the collection of taxes, such collector shall have power to enforce the collection of such tax at any time within three years from the time said absent person may return within the state, or have known property therein liable to distress for the collection of taxes.

16 Vt. 439; 25 Vt. 423.

SECTION 16. If, at any time after making up the grand list of any town, and setting therein the property of any unmarried woman, she shall marry and her property thereby pass into the possession of her husband, it shall be lawful for any collector of taxes, who may hold a tax against said unmarried woman at the time of her marriage, or at any time thereafter, to collect the same of her said husband in the same manner as if the tax had been originally assessed against such husband.

SECTION 22. No collector of any town, county, or state tax or taxes, no collector or highway surveyor appointed by any town, district, village, or other community in this state, to collect any tax, except first constables, shall hereafter have power or authority to sell in their official capacity, for the satisfaction of any tax committed to them for collection, any real estate belonging to any person not residing in the town in which said tax is assessed ; but it shall be the duty of all such collectors of taxes, in the several towns in this state, to deposit a list of the lands of non-residents, upon which the taxes are unpaid, on their respective tax-bills, therein stating the amount of taxes due on each of said tracts or parcels of land, with their certificate thereon that the same are true and correct lists, with the first constable of their several towns, on or before the first day of August annually ; and such constable shall make his certificate thereon of the time when he receives such list from such collector, and said lists shall remain in the hands of said first constable until the fifteenth day of such August, before the said lands shall be advertised for sale ; and no lands of non-residents shall be advertised or sold for taxes unless a list of the same has been so deposited, and remained in the possession of the first constable, as aforesaid ; and it shall be the duty of said first constables forthwith, after the said fifteenth day of August, to enforce the collection of all such taxes, together with all taxes which shall have been committed to them for collection, by selling so much of the real estate of said non-residents as shall be necessary to pay said taxes, with costs.

SECTION 23. The said constable shall be accountable to the several collectors, of whom he may have received lists or rate-bills as aforesaid, for all sums which he shall collect thereon, as soon as collected.

SECTION 34. Whenever any person shall be delinquent in the payment of any tax legally assessed against him in this state, and shall not have known personal property in this state sufficient to satisfy such tax, the collector of such tax may, in his own discretion and in his own name, commence a trustee suit founded upon such tax against such delinquent person, and may summon any person as trustee of such delinquent person, and the same service upon the process shall be made, and the same proceedings and judgment had, as is now provided by law in the case of trustee suits.

As amended by No. 21, p. 40, Acts 1864.

[1865, No. 15, p. 26.]

[*Section 1.* In suits for the collection of taxes by the trustee process, all goods, chattels, rights, or credits, belonging to the delinquent or principal defendant, in the hands of the party trustee at the time of the service of such process upon him, or coming into his hands afterwards to time of final disclosure, shall be held chargeable.

Section 2. The plaintiff in such case shall take judgment against the principal defendant, only for a sum, including costs, equal to the amount for which judgment is rendered against such trustee, and the collection of the balance of said tax shall in no wise be affected by such proceeding.

Section 3. The jurisdiction of justices of the peace for the trial of such cases shall not be affected by reason of being interested as a tax-payer in the district, village, city, town, or county where, or for whose benefit, such action may be brought or pending for trial.]

SECTION 35. It shall not be necessary, in proceedings under this chapter, that such trustee shall have the amount of ten dollars in his hands before he can be adjudged such trustee, or that the tax in suit should amount to ten dollars.

SECTION 36. In making a declaration in such process against such delinquent person, it shall be sufficient to state concisely therein, that the plaintiff is such collector and has a tax against such delinquent person, and that the same tax remains due and unpaid.

SECTION 37. Whatever may be realized on the judgment rendered in any such suit shall be applied (after paying the costs of suit) on the tax.

SECTION 38. Whenever a collector shall have for collection a tax against any person residing out of the town in which the collector resides, he may notify such person thereof by a letter containing a statement of the amount of such tax, and of the time and place when and where the collector will receive payment thereof; such letter shall be deposited in the post office, addressed to the person against whom such tax is, at his usual post office.

SECTION 39. The time so appointed for the payment of such tax shall not be less than twenty nor more than forty days from the time when the letter shall be deposited in the post office, as aforesaid.

SECTION 40. If the person so notified shall fail to pay such tax agreeably to notice, the collector may collect such tax of such person, and shall be entitled to six cents per mile for all necessary travel in the collection of such tax, to be collected with such tax, as other costs are collected, in the collection of taxes, such travel shall be reckoned the same as in the service of process by constables and sheriffs.

DEATH, REMOVAL, OR DISABILITY OF COLLECTOR.

SECTION 53. When the collector of any tax shall remove out of the town, village, district, or other community for

which he was appointed, or shall die, or be placed under guardianship, while any tax-bill committed to such collector remains uncollected, in whole or in part, the collector so removing shall immediately, and the administrator or guardian of the collector, so deceased or under guardianship, shall, on demand, lodge with the clerk of the town, village, or other community, by whom such collector was appointed, such tax-bill and all moneys collected thereon, and not paid over as required by law.

SECTION 54. When the office of collector in any town, village, or other community shall be vacant, as mentioned in the preceding section, the clerk shall call a meeting of the town, village, district, or other community, in which such vacancy exists, for the election of another collector, which they are hereby empowered to make; and after a collector shall be thus elected and sworn, the clerk shall deliver to him the tax-bill, warrant, and moneys received of the former collector.

SECTION 55. If no special meeting shall be called for the choice of a collector, as provided in the preceding section of this chapter, the collector who shall be chosen at any annual or stated meeting shall receive from the said clerk the tax-bill, warrant, and all moneys received by the clerk of the former collector.

SECTION 56. The collectors so receiving the said warrants and tax-bills of their predecessors shall have power to complete the collection thereof, and are in all things authorized to do any act necessary to close the collection of such tax, in the same manner as the collectors to whom the tax-bills and warrants were originally committed might have done, and be liable to the same penalties.

SECTION 57. Whenever any town, village, school district, fire district, state or county tax-bill, which has been put into the hands of any collector, shall, from the neglect, refusal or inability of such collector, remain uncollected until another collector is chosen, such tax-bill may then be put into the hands of the collector last chosen; and whenever said collector shall receive such tax-bill, he shall be and is hereby authorized and empowered to proceed and collect such taxes.

SECTION 59. Any collector, removing, or the executor, administrator, or guardian of a constable, neglecting the duties required in section fifty-three of this chapter, shall be liable for the whole amount of the tax-bill therein mentioned, to the town, village, or other community, for which such collector was appointed, and shall have no authority to collect or receive the taxes unpaid on such tax-bills.

MISCELLANEOUS.

SECTION 62. No collector shall be liable to any action, which may accrue in consequence of any mistake, mischarge, or overcharge in the tax-bill committed to him for collection.

16 Vt. 578.

SECTION 63. Every collector shall be fully indemnified by the town, village, district, or other community, by which he shall be appointed, for all damage to which he may be subjected by reason of the illegality of the imposition, assessment, or apportionment of any tax, or any illegality or informality in the tax-bill, warrant, or any other precept, furnished said collector for the collection of said tax, and all such damage may be recovered by such collector, of such town, village, district, or community, by action for that purpose.

34 Vt. 426.

SECTION 67. The grand list to be completed on the fifteenth day of May for the assessment of town and highway taxes, shall be the list on which all school district and village taxes voted on the first day of March, or at any time thereafter within one year, shall be assessed.

As amended by No. 12, p. 25, 1874.

38 Vt. 382.

TEACHERS—TIME OF IN DISTRICT SCHOOLS.

1872, No. 16, p. 55.

AN ACT IN RELATION TO THE TIME OF TEACHERS IN DISTRICT SCHOOLS.

SECTION 1. In the absence of an express contract, a session of three hours in the forenoon, and three hours in the afternoon, shall constitute a school day, and five such days a school week, and four such weeks a school month, in the district schools of the state.

Approved, November 12, 1872.

TEXT-BOOK FOR USE IN SCHOOLS.

1872, No. 14, p. 54.

AN ACT RELATING TO TEXT-BOOKS TO BE USED IN THE SCHOOLS OF THIS STATE.

SECTION 1. Hall's Geography and History of Vermont, now in use by the authority of law, in the schools of Vermont, or such revised edition of the same as may be issued, shall be continued as a text-book in said schools for the term of five years from the first day of November, A. D. 1873.

Approved, November 26, 1872.

TEXT-BOOKS—SUPPLYING OF IN CERTAIN CASES.

1870, No. 15, p. 51.

AN ACT IN RELATION TO THE SUPPLYING OF
SCHOOL-BOOKS TO THE PUPILS OF THE PUBLIC SCHOOLS.

SECTION 1. In case any pupil in a public school is not provided by his parent, master or guardian with the requisite text-books, it shall be the duty of the prudential committee of the district, or of the school board in any town which has abolished school-districts therein, to notify such parent, master or guardian that the pupil is not supplied with the requisite text-books ; and if, within one week after such notice, the parents, masters or guardians shall not supply such books, their pupils shall be supplied therewith at the expense of the town or city, by the prudential committee of the school-district, or by the school board of the city.

SECTION 2. Should the committee fail, for two weeks after the enrollment of any pupil so unsupplied with books, to supply him with the needed books, as required by section one of this act, then it shall be the duty of the town superintendent of schools to supply the same at the expense of the town.

SECTION 3. The prudential committee and superintendent shall give notice in writing to the assessors of the town or city of the names of the pupils by them respectively supplied with books under the provisions of the preceding sections of this act, of the books so furnished, the prices thereof, and the names of the parents, guardians or masters who ought to have supplied the same. The assessors shall add the price of the books to the next annual tax of such

parents, guardians or masters, and the amount so added shall be levied, collected and paid into the treasury of the town or city in the same manner as other town or city taxes.

SECTION 4. If the assessors are of the opinion that any parent, master or guardian is unable to pay the whole expense of the books so supplied on his account, they shall omit to add the price of such book, or shall add only a part thereof, to his annual tax, according to their opinion of his ability to pay.

SECTION 5. This act shall take effect on the first day of December, A. D. 1870.

Approved, November 22, 1870.

TOWN SYSTEM OF SCHOOLS.

1870, No. 10, p. 38.

AN ACT IN ADDITION TO CHAPTER TWENTY-TWO OF THE GENERAL STATUTES, RELATING TO SCHOOLS.

SECTION 1. Any town in this state may, at its annual March meeting in 1871, or at any annual March meeting thereafter, by vote, by a majority of the voters present at any such meeting, abolish the school-district system in such town; and the selectmen of each town shall insert an article for that purpose in the warning for the annual March meeting in 1871, and in the warning for any subsequent annual meeting, upon the application of three legal voters in such town.

SECTION 2. At any annual town meeting at which the school districts shall be abolished, as provided in section

one of this act, the voters thereof shall elect either three or six school directors, citizens of such town, to be called the board of school directors, one third of whom shall be elected for the term of one year, one third for two years, and one third for three years from the close of the school year as by law established. And at every annual town meeting thereafter there shall be elected one school director in towns having a board of three, and two school directors in towns having a board of six, and the term of office of all school directors so elected shall be three years from the close of the school year.

SECTION 3. The selectmen shall fill any vacancy occurring in the board of school directors by resignation, death or other disability, until the next annual March meeting, when the town shall elect a director for the remainder of the unexpired term. And all members of the board of school directors, whether elected by the town or appointed by the selectmen, shall hold their offices until their successors shall be elected in the manner hereinbefore provided.

SECTION 4. Whenever any town shall vote to abolish school districts therein, in pursuance of sections one and two of this act, all the school districts in such town shall, from and after the first day of April next succeeding the day when such town shall vote to abolish school districts therein, cease to exist, except for the purpose of fully arranging and settling up the pecuniary affairs of said school districts. The several school houses, and all property belonging to the several school districts in such town, shall be appraised by a commission consisting of three persons, to be appointed by the assistant judges of the county court for the county in which such town is situated, and the amount of such appraisal shall stand to the credit of the several school

districts respectively, to be adjusted, allowed and equalized between such districts by applying such valuations upon the taxes thereafter to be assessed, under the provisions of this act, upon the grand list of the several school districts ; and all such school houses, and other property belonging to said several school districts, shall thereafter pass to and become the property of such town.

SECTION 5. The board of school directors shall, on or before the first day of April in each year, elect one of their number chairman, who shall be vested with all the powers and subject to all the duties now imposed upon town superintendents of common schools, and shall receive such compensation for his services from the state treasurer as is provided by law for the compensation of town superintendents, and such further sum as the town may vote him to be paid out of the town treasury ; and such towns as shall adopt the provisions of this act shall not thereafter elect a town superintendent of common schools, as now required by law.

SECTION 6. The board of school directors shall, annually, on or before the first of April in each year, appoint a clerk, not one of their number, who shall keep a permanent record book, in which all the votes, orders and proceedings of the board shall by him be recorded ; and who shall make all the returns to the town clerk now required by law to be made by clerks of school districts, and shall receive the same compensation therefor.

SECTION 7. Said board of school directors shall have the care and custody of all the property belonging to the several public schools of such town, shall prescribe the number of schools, employ teachers and fix their compensation, have the management and control of all the public schools in such

town, examine and allow all claims arising therefrom, and draw warrants for the payment of such claims upon the town treasurer, which warrants shall be paid from the money hereinafter specified : and said board shall have and enjoy in general all the powers and authority, and perform all the duties, pertaining to the office of prudential committee and clerk of school districts as now provided by law. They may establish graded schools, and provide for the instruction of the scholars in the sciences and the higher branches of a thorough education, and may establish such by-laws and regulations for the carrying out of the powers above mentioned as are consistent with this act and the laws of the state. They shall be sworn to the faithful discharge of their duties, and shall receive no compensation for their services. But the chairman of said board shall receive the compensation hereinbefore provided.

SECTION 8. The treasurer of such town shall keep a separate account of all moneys appropriated for the use of schools, which moneys shall consist of the income of the United States deposit fund and of the town school fund, and the income of any money or property donated for the use of schools in such town, and all moneys appropriated by the selectmen of such town for the use of schools. And such town treasurer shall pay, out of any moneys mentioned in this section, all warrants drawn by said board of school directors for the use of schools. The selectmen of such town shall annually appropriate for the use of schools in such town a sum not exceeding the amount which would be raised by a tax of fifty cents upon the dollar of the grand list of such town, and not less than twenty-five cents upon the dollar, and the selectmen of such town shall assess a tax annually for the purpose of defraying such appropria-

tions of not less than twenty-five cents, nor exceeding fifty cents upon the dollar of the grand list of such town, and such town shall not be required to assess the tax mentioned in section eighty of chapter twenty-two of the general statutes.

And the selectmen of any town are hereby authorized to levy and collect any additional tax above fifty cents on the dollar that shall be voted for school purposes at any annual town meeting in said town.

It shall be the duty of such town to provide and maintain suitable school houses for the accommodation of all the schools in such town, and the location, construction and sale of the same shall be under the control of the board of school directors.

SECTION 9. The board of school directors may receive students from other towns into their schools upon such terms as they may deem proper, and any moneys received by them from such students shall be paid into the school fund of such town.

SECTION 10. In all cases of districts formed of the territory or inhabitants of two or more adjoining towns, one of which adopts the provisions of this act, the town adopting the provisions shall forthwith take possession of the school house of such district, when such school-house building is situate in such town, and of the school apparatus, land and other property of such district; and the selectmen of such town, and the selectmen of the adjoining town or towns, shall forthwith appraise such property, and shall determine what proportion thereof is owned by the inhabitants of such adjoining town or towns; and in case the said several boards of selectmen shall not agree in their said appraisal or apportionment, the same shall be determined by three commis-

sioners, appointed by the assistant judges of the county court of the county in which such towns are situated ; and in case said towns are situated in different counties, then the same shall be appraised and apportioned by five commissioners, three of whom shall be appointed by the assistant judges of the county court of the county in which the town asking such commission is situated, and two by the county court of the county where the adjoining town is situated, none of which commissioners shall be residents of either of such towns. Such commissioners shall receive the same pay for their services as is now provided by law for services of road commissioners, and shall, within ten days after such appraisal, file their reports in the town clerk's office of each of said towns, and the expense of such commission shall be defrayed by the town asking the same.

SECTION 11. It is hereby made the duty of the assistant judges of the several county courts in this state to appoint the commissioners under the provisions of this act, upon the application of the selectmen of any town adopting this act.

SECTION 12. The town taking property of fractional districts, as provided in this act, shall, within sixty days after such appraisal of the selectmen, or the filing of the report of the commissioners, as provided in section ten of this act, pay to the treasurer of such adjoining town such amount as may be apportioned to the inhabitants of such town.

SECTION 13. The board of school directors shall, at each annual meeting, make a report to the town of their proceedings for the last school year, and present an exhibit of all warrants drawn by them for the use of schools.

SECTION 14. This act shall not apply to or in anywise affect any graded school district which has been incorporat-

ed by special act of the legislature, unless accepted by a vote of two thirds of the legal voters therein ; nor to any district formed by the concurrent votes of two or more adjoining towns, without the concurring votes of each of said towns consenting thereto.

Approved, November 22, 1870.

1872, No. 9, p. 46.

AN ACT RELATING TO THE TOWN AND DISTRICT SYSTEMS OF SCHOOLS.

SECTION 1. Any town in this state, that has abolished its school-district system in accordance with an act entitled "An act in addition to chapter twenty-two of the general statutes, relating to schools," approved, November 22, A. D. 1870, may, at the annual March meeting of said town in A. D. 1873, or at any fourth annual March meeting thereafter, abolish its town system of schools ; and any town in this state that may hereafter abolish its school-district system in accordance with said above-mentioned act, may, at any fourth annual March meeting of said town thereafter, abolish its town system of schools, and the selectmen of any town shall insert an article for that purpose in the warning for any annual March meeting above designated, upon the application of three legal voters in such town.

SECTION 2. When any town shall abolish its town system of schools, as provided in section one of this act, said town shall be divided into the same number of school districts, with the same limits and boundaries, and shall be known and designated by the name of their respective numbers in a regular series from number one upwards, the same as said districts existed before they were abolished by said

town ; and such districts shall have all the power and be subject to all the duties, requirements and liabilities which by law are vested in or imposed upon school-districts.

SECTION 3. At any annual town meeting, at which the town system of schools shall be abolished, the voters thereof shall elect a town superintendent of common schools ; and also a clerk for each school district, who shall be a legal voter in such school district for which he is elected clerk. And such clerk shall call the first meeting of said school district, which shall be held on the last Tuesday of March next succeeding said town meeting, by posting up notice in manner and form as now provided by law for holding the annual meetings in school districts ; and said school district may at this meeting elect officers for the year ensuing for said district, and also do any other business that school districts are empowered to do at their annual meetings : provided, that said school-district clerk shall have notified the voters of said school district of the proposed business in the warning aforesaid.

SECTION 4. Whenever any town shall vote to abolish the town system of schools, the school houses and other property formerly belonging to the same school districts, shall thereafter pass to and become the property of the same school districts respectively, and the selectmen of said town shall ascertain and fix upon the amount of credits upon its taxes that each of said districts has received, by reason of valuation and equalization of school property, and all expenses in building or repairing school-houses in said districts under the town system of schools, in accordance with the provisions of section four of an act entitled " An act in addition to chapter twenty-two of the general statutes, relating to schools," approved November 22, A. D. 1870 ; and said

selectmen shall equalize the same upon the grand lists of the several districts, when so restored to the district system, so that each district shall own its school-property as before the adoption of the town system of schools.

SECTION 5. This act shall take effect from its passage.

Approved, November 26, 1872.

UNION OR GRADED SCHOOL DISTRICTS.

No. 33 of 1868, p. 36.

AN ACT TO ENCOURAGE THE FORMATION OF UNION OR GRADED SCHOOL DISTRICTS, AND IN RELATION TO PRUDENTIAL COMMITTEES.

SECTION

1. Graded schools, formed under the provisions of chapter twenty-two of the General Statutes, shall be entitled to the same number of distributive shares of the public money as the several districts were entitled which constitute the graded school.
2. Prudential committee may consist of nine, one-third to be chosen annually ; tenure of office.

SECTION

3. Elections of prudential committee, how made ; vacancies how filled.
4. Text-books may be supplied to children at the expense of the district ; amount of such expense to be added to the tax of the parent or guardian of the children so supplied.

SECTION 1. Any union or graded schools, in any town in this State, formed under the provisions of chapter twenty-second of the general statutes, relating to union or graded schools, whenever the town in which such union or graded school is located, so vote, shall be entitled to and receive the same number of the distributive shares of that portion of the public school money, which is distributed equally between the districts, as they would have been entitled to, before forming such high or graded school districts.

SECTION 2. Any union or graded school districts, formed under the provisions of this act, may elect three, six, or

nine prudential committee, one-third of the number to be chosen each year, and to hold their offices for three years or until others are chosen.

SECTION 3. At the first election of prudential committee under this act, one-third of the number, any such union or graded school district shall first designate, shall be elected, to hold their offices three years, one-third two years, and the remaining one-third one year; and in case of a vacancy from any cause, the district, at any annual school meeting, may elect a substitute to serve for the unexpired term.

SECTION 4. In any union or graded school district, established under the provisions of this act, the prudential committee may procure the necessary text-books, at the expense of the district, for any children who are not supplied with them, and the amount paid for such text-books shall be added to the school-tax of the parent or guardian of the child for whom the books were obtained, and shall be collected with the tax, unless the tax is abated.

Approved, November 19, 1868.

VOTING IN SCHOOL DISTRICT MEETING.

Acts 1874, No. 58, p. 90.

AN ACT TO PREVENT ILLEGAL VOTING IN TOWN, VILLAGE OR SCHOOL DISTRICT MEETINGS.

SECTION 1. If the presiding officer at any town, village or school district meetings shall knowingly receive and count any vote or votes from any person not a legal voter, or knowingly receive from any legal voter at any one balloting for the same office more than one vote, he shall be punished by a fine not exceeding one hundred dollars for each offence.

SECTION 2. If any person, knowing that he is not a qualified voter, shall at any of said meetings mentioned in the first section of this act, willfully give in a vote for any officer to be chosen, he shall be punished by a fine not exceeding one hundred dollars for such offence.

SECTION 3. The fines mentioned in this act may be recovered to the use of this state, by information or indictment before the county court in the county where the offence shall be committed.

Approved, November 13, 1874.

WRIT AGAINST SCHOOL DISTRICT.

EXTRACT FROM CHAPTER THIRTY-THREE, GENERAL STATUTES.

TIME AND MANNER OF SERVICE.

SECTION 19. Every writ and process, returnable before the supreme or county court, shall be served at least twelve days before the session of the court to which it is returnable, including the day of service, and excluding the return day; and every writ issued against any sheriff, high bailiff, or constable, for any default, neglect, or misconduct in their respective offices, shall be served at least eighteen days before the session of the court to which it is made returnable; and every writ issued against any town, county, school district, or other corporation, shall be served at least thirty days before the session of the court to which it is made returnable, except writs in which such town, county, school district, or other corporation, may be summoned as trustee or trustees.

3 Vt. 14; 14 Vt. 391; 18 Vt. 590.

SECTION 24. All writs against a corporation shall be served by leaving a copy with the clerk thereof, unless he be absent from the state; if there shall be no clerk to such corporation, or if such clerk be absent from the state, such copy shall be left with one of the principal officers of such corporation, or, in absence of all such officers, with one of the stockholders.

12 Vt. 425; 21 Vt. 488; 28 Vt. 401; 41 Vt. 611; 1868, No. 22, p. 28.

PART II.

DIGEST

OF THE

Decisions of the Supreme Court of Vermont

RELATING TO

SCHOOLS AND SCHOOL LAWS.

COMPILED UNDER AUTHORITY, OF AN ACT OF THE LEGISLATURE
AND APPOINTMENT BY THE GOVERNOR,

BY

GILBERT A. DAVIS, OF READING.

T A B L E

OF

TITLES, DIVISIONS, SUBDIVISIONS AND REFERENCES.

I. ACTION.

1. When maintainable by school district against listers.
2. For injury to real estate of district.

II. CERTIFICATE TO TEACHERS.

1. Form of.
2. Substance of.
3. Valid without personal examination.
- 4, 5, 6, 7. An essential pre-requisite.
- 8, 9, 10, 11. Time of obtaining.
12. How long in force under Compiled Statutes.
13. Under Compiled Statutes, if teacher had a certificate at time she commenced a term of school, she can recover for her services during that term, although certificate expired prior to expiration of that term.

III. COLLECTOR.

1. Term of office. Duties cannot be assigned to another.
2. Warrant to collector.
3. Certificate on rate-bill.
4. Erroneous date of certificate.
5. Effect of omission to enter day and year of receiving warrant.
6. Alteration of warrant by magistrate.
- 7, 8. Rights on absolute refusal to pay tax.
- 9, 10. Proceedings subsequent to levy.
11. Time of posting property for sale.
12. Place of sale of property distrained.
- 13, 14. Necessary proof under justification.
15. Indemnifying collector.
16. No authority to arrest for non-payment of interest on taxes.
17. Proceedings at sale.

COLLEGIATE EDUCATION. See Education.

COMMON SCHOOL EDUCATION. See Education.

IV. CONSTITUTIONAL LAW.

ENGLISH COMPOSITION. See Teacher, 5; Prudential Committee, 8.

ENTRIES IN REGISTRY. See Teacher, 2.

CONTRACT WITH TEACHER. See Teacher, 1.

CORPOREAL PUNISHMENT. See Teacher, 3.

V. EDUCATION.

VI. EVIDENCE.

1. Admission by pleadings.
2. Proof by reputation.
 - a. Of the existence and organization of school districts.
 - b. And that such person was its prudential committee.
3. Presumptions.
 - a. As to application for warning for school meeting.
 - b. As to loss of collector's notice of sale.
 - c. As to regular organization of school district.
4. Parol evidence admissible.
 - a. To show true time of execution of certificate.
 - b. To show true time when rate-bill and certificate were made.
 - c. To prove contents of notice of sale.
5. Parol evidence is not admissible.
 - a, b, c, d, e. To vary or contradict the records of a school district clerk in a suit at law, nor to supply defects in such records.
6. Evidence in particular actions.
 1. In assumpsit.
 - a. To recover damages for dismissing a teacher.
 - b, c, d. To recover pay for having taught a district school.
 2. In trespass for alleged excessive punishment of a pupil by his teacher.

VII. GRAND LIST.

Not a legal basis for taxation until signed and sworn to by listers.

VIII. GRANT.

IX. LISTERS.

- a. Ministerial duty of.
- b. Duty as to designating school district in which partnership property is to be set.
- c. Action against.

X. MANDAMUS.

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XI. OFFICERS OF SCHOOL DISTRICT.

- a. Term of office.
- b. Eligibility.
- c, d, e, f, g, h. Vacancies in district offices.

XII. PLEADING.

1. Indictment against town.
2. Declaration.
 - a, b. In assumpsit.
 - c. In case.
3. Pleas.
 - a, b. In trespass.

XIII. PRUDENTIAL COMMITTEE.

1. Exclusive authority to hire teachers.
2. Authority to dismiss teachers.
3. 4. Sufficient cause for dismissal of teacher.
5. To make out rate-bill.
6. To see that means are provided to pay teacher.
7. No power to waive obtaining certificate.
8. May expel scholar for refusing to write English compositions.
9. May allow school house to be used for a private school.
10. Has exclusive control over occupancy of school house when public school is in operation.
11. Has no authority to employ counsel to defend collector.
12. Has power to compromise and pay claims against district, growing out of his legal action as committee.
13. May recover value of necessary fuel furnished.
14. No authority to assess tax for fuel without a vote of the district.
15. How far controlled by custom of district.

REGISTER, ENTRIES IN. See Teacher.

SALE OF PROPERTY DISTRAINED FOR NON-PAYMENT OF TAXES. See Collector, 12.

XIV. SCHOOL DISTRICT.

1. Proof of existence and organization.
 - a. By reputation.
 - b, c, d. By other evidence.
2. Boundaries.
 - a. Must be by territorial limits.
 - b. But not necessarily connected territory.
 - c. Limits must be defined by vote of town.
3. Proceedings of towns in formation and alteration of school districts.
 - a, b, c, d. Sufficient description of territory.
 - e, f, g, h, i. Sufficiency of vote.
 - j, k, l. Article in warning.
 - m. Annexing inhabitant to district in adjoining town.
 - n, o. When vote of annexation takes effect.
4. Powers of school districts in locating, purchasing land and building school house.
 - a. Location.
 - b. Purchasing land.
 - c. Taking land by proceedings *in invitum*.
 - d. Quantity of land that may be taken.
 - e, f, g, h, i, j, k. In building school house.

1. Acceptance of house by building committee.
5. Assuming defence of collector.
 - a. May by vote; and may raise tax to defray the expense.
6. Ratification of unauthorized act of committee.
 - a, b. By vote.
 - c. By acquiescence.
- 7, 8. Control of district over school house.
9. The inhabitants have no estate in district property.
10. Agent of, entitled to recover what it was worth to him to do the work.

SCHOOL HOUSE. See School District, 4; Prudential Committee, 9, 10; Warning for City Meeting.

XV. SCHOOL DISTRICT MEETINGS.

- 1, 2. Length of notice of, required.
3. How length of notice computed.
4. Omission to state in warning the hour of the meeting.
5. Omission to state hour of adjourned meeting.
6. Not necessary to state in warning the application therefor.
7. Meeting valid if warned without application therefor.
8. Moderator *pro tem* may preside.
9. Rescinding vote.
- 10, 11. Warning must specify the business to be done.
12. Same principle applied to a city meeting.

XVI. SCHOOL DISTRICT RECORDS.

- a. Warning.
- b. Defects in records.
- c. Correction of records.
- d. Mandamus to clerk.
- e. Records of school district not constructive notice of the limit of the authority of prudential committee.

SUPERINTENDENT OF SCHOOLS. See Certificate to Teacher.

XVII. TAXATION.

1. Residence of tax-payer.
2. Vote of district necessary.
 - a. Under the General Statutes.
 - b. Under act of 1850.
3. On what list to be assessed.
 - a. Under laws in force in 1830.
 - b. Under acts of 1827 and 1833.
 - c. Under act of 1842.
4. Duties of listers.
 - a. In designating school district.
 - b. How far designation of listers is conclusive.
 - c. How separate valuation may be made.
5. Rate-bill and warrant.
 - a. Special committee no authority to make.
 - b. Such rate-bill illegal.
 - c. Rate-bill and warrant.
 - d. Slight excess in amount of tax will not invalidate.
 - e. Warrant should be annexed.

- f. Warrant should require money to be paid to treasurer.
- g. Name of inhabitant not taxable need not appear in tax-bill.
- h. Omission to limit time of payment does not invalidate.
- 6. Effect of illegality of part of tax.
- 7. Tax against *feme sole* who married, husband not liable to pay.
- 8. Interest on taxes not collectible.

XVIII. TEACHER.

- 1. Contract.
 - a. Construction of contract.
 - b, c. Contract to teach for definite time.
 - d. Prudential committee has power to dismiss teacher.
 - e. District no power to dismiss teacher.
 - f. Sufficient cause for dismissal.
 - g, h. Cause for dismissal under special contract.
 - i. Dissatisfaction of scholars and parents no cause.
 - j. Rights to damages for breach of contract not lost by taking order under circumstances named.
 - k. Vote of district to accept proposition of settlement.
- 2. Omission to make entries in register, effect of.
 - a. Did not forfeit his wages under section 110, chapter 22, General Statutes.
 - b. Renders teacher liable to pay damages therefrom to the district.
 - c, d. Omission through fault of committee.
- 3. Right to inflict corporeal punishment.
 - a. Has always been sanctioned.
 - b. For offences out of school hours.
 - c, d. Liability of teachers for excessive punishment.
- 4. Authority to expel scholar.
- 5. Teacher may require English composition by his scholars.

TOWNS. See School District, 3.

XIX. UNION SCHOOL DISTRICT.

- a, b, c. Organization.
- d, e, f, g. How altered or dissolved.

XX. U. S. DEPOSIT MONEY.

XXI. WARNING FOR CITY MEETING.

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OF
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WITH VOLUME AND PAGE OF THE REPORT, AND THE TITLES AND
PLACITA OF THIS DIGEST WHERE FOUND.

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- Adams v. Crowell et al.*, 40 Vt. 31. Evidence, 5, c. Taxation, 2, a.
Adams v. Hyde, 27 Vt. 221. Pleading, 3. School Meeting 11.
Taxation, 4, c.
Allen v. Burlington, 45 Vt. 203. School District Meeting, 12.
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B.

- Baker v. School Dist. No. 2 in Barton*, 46 Vt. 189. School District Records, e.
Baker v. School Dist. in Brookfield, 12 Vt. 192. Certificate, 4.
Barnes v. Barnes, 6 Vt. 388. Evidence, 2, a. School District, 1.
Bates v. Haseltine, et al. 1 Vt. 81. Collector, 13.
Bean, et al. v. Prndential Committee, 38 Vt. 177. School District, 4, a.
Blanchard v. School Dist. in Warren, 29 Vt. 433. Certificate, 3.
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Bull v. Griffith, 30 Vt. 273. Evidence, 2, a. School District, 1, a.
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- Cameron v. School District in North Hero*, 42 Vt. 507. Evidence,
5, b. School District, 6, b.

- Capron *v.* Raistrick, 44 Vt. 513. Grand List.
Chandler *v.* Bradish, 23 Vt. 416. Officers of District, f. School Meeting, 11.
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Clark *v.* School District in Pawlet, 29 Vt. 219. Teacher, 1, b.
Crosby *v.* School District in Readsboro, 35 Vt. 623. Certificate, 2. Teacher, 2, a.

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- Dix et al. *v.* School District No. 2 in Wilmington, 22 Vt. 309. School District, 4, b. Pleading, 2, b.
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Downer *v.* Woodbury, 19 Vt. 329. Collector, 7.
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- Eddy *v.* Wilson, 43 Vt. 362. Evidence, 3, b. 4, c. 5, e. School District, 4, e, f, g. School Meeting, 9. Taxation. 5, c.
Edson *v.* Sprout & Tr., 33 Vt. 77. Prudential Committee, 6.

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- Fairbanks & Co. *v.* Kittredge et al. 24 Vt. 9. Listers, a, b, c.
Felt *v.* School Dist. No. 2 in Rockingham. School District, 8.

G.

- George *v.* School Dist. No. 8 in West Fairlee and Vershire, 20 Vt. 495. Certificate, 3.
Goodrich *v.* School District in Fairfax, 26 Vt. 115. Certificate, 5, 6. Prudential Committee, 7.
Goodwin *v.* Perkins, 39 Vt. 598. Collector, 4, 5, 6. Evidence, 4 b. Officers of District, g.
Gray *v.* Sheldon, 8 Vt. 402. School District, 2, a.
Grammar School *v.* Burt, 11 Vt. 632. Grant.
Greenbanks *v.* Boutwell, 43 Vt. 207. School District, 3, e, h. i. j.
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- Hadley *v.* Chamberlin et al. 11 Vt. 618. Collector, 1.
Harriman *v.* School District in Orange, 35 Vt. 311. Collector, 11.

- Hall *v.* School District in Calais, 46 Vt. 19. School District, 3, j.
Harrington *v.* School District in Alburgh, 30 Vt. 155. School District, 6, c. Collector, 15.
Hathaway *v.* Rice, 19 Vt. 102. Pleading, 3, b. Teacher, 3, a.
Hewitt *v.* Miller, 21 Vt. 402. School District, 3, m.
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Hunt *v.* School District in Norwich, 14 Vt. 300. School District Meetings, 1.

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- Johnson *v.* Colburn, 36 Vt. 693. School District, 5, a. Taxation, 6.
Johnson *v.* Sanderson, 34 Vt. 94. Prudential Committee, 5. Taxation, 5, a, b.
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- Kimball *v.* School District in North Hero, 42 Vt. 507. School District, 6, a.

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- Lander *v.* Seaver, 32 Vt. 114. Evidence, 6, 2, a. Teacher, 3, a, b, c, d.

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- Mason *v.* School District in Brookfield, 20 Vt. 487. Evidence, 3, a. Mandamus. Officers of District, f. Prudential Committee, 1. School District Meetings, 3, 7. Teacher, 1, c, e. School District Records, d.
Middlebury College *v.* Chandler, 20 Vt. 683. Education.
Moore *v.* Beattie, 33 Vt. 219. School District, 3, a.
Moss *v.* Hinds, 29 Vt. 188. Evidence, 1. Taxation, 3, c, d.
Mott *v.* Reynolds, 27 Vt. 206. School District Records, c.

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- Norton *v.* School District in Tinmouth, 37 Vt. 521. Prudential Committee, 12, 13, 14, 15.

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Ovitt *v.* Chase, 37 Vt. 196. Taxation, 4, a, b. School District, 3, j, n, o.

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Paul *v.* School District in Hartland, 28 Vt. 575. Certificate, 8. Evidence, 6, a. Teacher, 1, f, g, i.
Pierce *v.* Carpenter, 10 Vt. 480. School District, 2, c, 3, c.
Pierce, Admr. *v.* Whitman, 23 Vt. 626. Union School District, f.

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Reed *v.* Chandler, 32 Vt. 285. Grand List.
Reed *v.* Jamaica, 40 Vt. 629. Collector, 3.
Richardson *v.* School District in Westminster, 38 Vt. 602. Prudential Committee, 4. Teacher, 1, h, j, k.
Russell *v.* Dodds, 37 Vt. 497. School District. Prudential Committee, 9.

S.

Sawyer *v.* Williams, 25 Vt. 311. Evidence, 2, a. School District, 1, a, 3, d.
School Dist. in St. Johnsbury *v.* Kittredge & Starkie, 28 Vt. 650. Action.
Scott *v.* School Dist. in Fairfax, 46 Vt. 452. Certificate, 11. Teacher, 2, e, f, 4.
Shaw *v.* Peckett & Gerry, 26 Vt. 482. Collector, 16. Taxation, 8.
Sherwin *v.* Bugbee, 16 Vt. 439. Evidence, 2, a, 3 a, 5, d. School District, 1, a, b. School District Meetings, 4, 6. School District Records, a.
State *v.* Jericho, 12 Vt. 127. U. S. Deposit Money.
State *v.* Northfield, 13 Vt. 565. Pleading, 1.
State *v.* Williams, 27 Vt. 755. Evidence, 2, a. Teacher, 4.
Stevens *v.* Kent, 26 Vt. 503. Officers of District, 3, 4. School District Meetings, 8.
Sumner *v.* Pinney, 31 Vt. 717. Taxation, 7.

T.

Thomas *v.* Gibson, 11 Vt. 607. School District, 1, c.
Tiletson *v.* Newman & Gates, 23 Vt. 421. School District, 1, a.

W.

- Walker *v.* Miner, 32 Vt. 629. Officers of District, 1. Taxation, 1, a.
- Waters *v.* Daines, 4 Vt. 601. Collector, 14. Taxation.
- Weeks *v.* Batchelder, 41 Vt. 317. Collector, 2. School District, 2, b, 3, 1.
- Welch *v.* Brown & Tr., 30 Vt. 586. Certificate, 5, 7.
- Wells *v.* School District No. 2 in Granby, 41 Vt. 353. Certificate to Teachers, 1, 10. Evidence, 6, d.
- Wheelock *v.* Archer & Wilder, 26 Vt. 380. Collector, 7, 8, 9, 10.
- Williams *v.* School District No. 6 in Newfane, 33 Vt. 271. School District, 4, c, d. Constitutional Law, 1.
- Wilson *v.* Seavey, 38 Vt. 221. Taxation, 5, e.
- Woodcock *v.* Bolster, 35 Vt. 632. Collector, 17. Officers of District, 1, 2, 5, 8.
- Woodard *v.* Isham, 43 Vt. 123. Taxation, 1, b.
- Woodward *v.* French, 31 Vt. 337. Taxation, 1, a.
- Wyley *v.* Wilson, 44 Vt. 404. School District, 3, f, g, h, i.

DIGEST OF THE DECISIONS OF THE SUPREME COURT
OF VERMONT HAVING REFERENCE TO THE
SCHOOLS AND SCHOOL LAWS.

I. ACTION.

1. *When maintainable by school district against listers.*
A school district may sustain an action against the listers, if they designate any part of the property, which belongs to and is taxable in their district, as belonging to another school district, so that the plaintiff district is deprived of the benefit of the list upon that property in the assessment of their taxes.

If such a designation has been wrongfully made, the listers will be liable if they refuse or neglect to correct it, when requested by a special committee of the injured district, though no request be made by the prudential committee.—*School Dist. in St. Johnsbury v. Kittredge & Starkie*, 28 Vt. 650.

2. *For injury to real estate of district.* The inhabitants of a school district have no estate in any form in the property belonging to the district, and *it seems* that the district alone could bring trespass *quare clausum fregit*.—*Chaplin et al. v. Hill et al.*, 24 Vt. 528.

II. CERTIFICATE TO TEACHERS.

1. Form of.
2. Substance.
3. Valid without personal examination.
- 4, 5, 6, 7. An essential pre-requisite.
- 8, 9, 10, 11. Time of obtaining.
12. How long in force under Compiled Statutes.

13. Under Compiled Statutes, if teacher had a certificate at time she commenced a term of school, she can recover for her services during that term, although certificate expired prior to expiration of that term.

1. *Form.* Under sec. 11, chapter 22, of the General Statutes, no particular *form* is prescribed or required for a teacher's certificate of qualifications to teach school. The superintendent having certified that the party was examined and approved by him on a given day is sufficient.—*Wells v. School District No. 2 in Granby*, 41 Vt. 353.

2. *Substance.* It is not essential to the validity of a certificate that it should contain a statement as to the moral character of the teacher.—*Crosby v. School District in Readsboro*, 35 Vt. 623.

3. *Valid without personal examination.* A certificate will be valid without a personal examination as to the teacher's qualifications, but upon such other evidence as is satisfactory to the superintendent.—*George v. School District in West Fairlee*, 20 Vt. 495; *Blanchard v. School District in Warren*, 29 Vt. 433.

4. *An essential pre-requisite.* The statute of 1827, requiring school teachers in the several towns to obtain certificates of their qualifications, was intended to make such certificates pre-requisites to the performance of any legally meritorious service in that capacity.—*Baker v. School District in Bakersfield*, 12 Vt. 192.

5. It is a condition precedent to any valid contract for teaching a common school that the teacher obtain a certificate from the town superintendent, and the teacher in order to recover his wages of the district must show a compliance with this requirement.—*Goodrich v. School District in Fairfax*, 26 Vt. 115; *Welch v. Brown and Tr.*, 30 Vt. 586.

6. And the facts that the teacher was a minor and that the superintendent was sick and unable to examine him, and after his death that no superintendent was appointed in his place till after the commencement of his school, cannot supersede the statute; and the prudential committee have no power to waive its requirements.—*Goodrich v. School Dist. in Fairfax*, 26 Vt. 115.

7. Nor does the mere fact that there was ill feeling between the town superintendent and the teacher excuse the teacher from obtaining such certificate.—*Welch v. Brown & Trustee*, 30 Vt. 586.

8. *Time of obtaining.* The plaintiff contracted to teach school for the defendants, and, on the morning of the day he commenced, and before commencing his school, he applied to the superintendent for examination and a certificate; but the examination was, at the request of the superintendent, and upon his assurance that it would be as well, postponed until evening; at which time, after the commencement of his school, an examination was had and a certificate given; and after this the school proceeded for about seven weeks without objection, and without any new contract being made, the plaintiff being treated and recognized by the prudential committee as the teacher of the school. *Held*, that there was a substantial compliance with the statute requiring a certificate to be obtained before the commencement of the school, and that, in any view of the case, the certificate would be sufficient for the school kept after, if not for the same day it was given.—*Paul v. School District*, 28 Vt. 575.

9. A certificate of a school teacher's qualifications which is made out and signed by the town superintendent at

its date, and is thereafter kept by him to be delivered whenever called for, will take effect from its date, though not delivered until long after; the act giving the certificate its effect and validity being the decision of the superintendent respecting the teacher's qualifications.—*Blanchard v. School Dist. in Warren*, 29 Vt. 433.

10. Where the certificate on its face shows it was seasonably obtained, and the evidence *aliunde* shows that the teacher seasonably applied and did all she could to get a seasonable examination; that she, in fact, subjected herself to the direction and convenience of the superintendent, both acting in good faith, the objection that she did not in fact obtain her certificate, and was not examined, till some time after she began to teach the school, cannot avail to defeat her claim for wages.—*Wells v. School District in Granby*, 41 Vt. 353.

11. A teacher having taught school one week without a certificate, then went with the prudential committee and obtained a certificate, and taught another week with the consent and approbation of the committee, at the expiration of which time she left the school in consequence of the unjustifiable conduct of the committee. *Held*, that the continuing of the school as aforesaid, after she had obtained her certificate, was equivalent to making a new contract to commence at that time, upon the same terms as the original contract.—*Scott v. School District in Fairfax*, 46 Vt. 452.

12. *How long in force under Compiled Statutes.* The eighth section of chapter twenty of the Compiled Statutes provided that the certificate of the town superintendent of schools to the teacher should "be available for one year only": *held*, that a superintendent appointed by the select-

men to fill a vacancy in the office, could, while in office, grant a certificate which would be good for one year from its date, although the term of office of such superintendent might have expired before the termination of such year.—*Holman v. School District No. 4 in Halifax*, 34 Vt. 270.

[See No. 12 of 1870, Sec. 2. Page 17, § 15 of this compilation.]

13. *Under Compiled Statutes, if teacher had certificate at time she commenced a term of school, she can recover for her services during that term, although certificate expired prior to expiration of that term.* When a teacher obtained a certificate from the town superintendent to teach for one year from the 17th day of December, 1857, and in the summer of 1858 was employed by the defendant to teach school for the winter next ensuing, and pursuant thereto taught such school for five weeks before her certificate expired, and six weeks afterwards, without obtaining a new certificate. *Held*, that inasmuch as she had the certificate at the time she was employed and actually commenced the school, she might recover for the services performed both before and after the expiration of the certificate.—*Holman v. School Dist. No. 4 in Halifax*, 34 Vt. 207.

III. COLLECTOR.

1. Term of office; duties cannot be assigned to another.
2. Warrant to collector.
3. Certificate on rate-bill.
4. Erroneous date of certificate.
5. Effect of omission to enter day and year of receiving warrant.
6. Alteration of warrant by magistrate.
- 7, 8. Rights on absolute refusal to pay tax.
- 9, 10. Proceedings subsequent to levy.
11. Time of posting property for sale.
12. Place of sale of property distrained.
- 13, 14. Necessary proof under justification.
15. Indemnifying collector.
16. No authority to arrest for non-payment of interest on taxes.
17. Proceedings at sale.

[See Grand List, Taxation.]

1. *Term of office, duties cannot be assigned to another.* A district collector holds his office for one year, and until another is chosen in his stead. If the office is vacant, the district may appoint a new collector; but while he is collector, his duties cannot be assigned to another, nor any part of them; and, of course, the district can make no temporary appointment, or choose a collector to collect one tax, or the arrearages.—*Hadley v. Chamberlin & Cloud*, 11 Vt. 618.

2. *Warrant to collector.* A collector's warrant is legal that is issued February 10, received by him on the 13th, and by the certificate annexed to the rate-bill he is ordered to collect and pay over the tax on or before the first day of March.—*Weeks v. Batchelder*, 41 Vt. 317.

3. *Certificate on rate-bill.* A certificate annexed to a rate-bill signed by the prudential committee is not indispensable to its validity.—*Ib.*; *Reed v. Jamaica*, 40 Vt. 629.

4. *Erroneous date of certificate.* And if such certificate be annexed, an erroneous date will not invalidate it.—*Goodwin v. Perkins*, 39 Vt. 598.

5. *Effect of omission to enter day and year of receiving warrant.* The omission of the collector to enter upon the warrant the true day and year when he received the same will not invalidate his proceedings.—*Ib.*

6. *Alteration of warrant by magistrate.* Neither will the fact that the warrant was, subsequent to the taking of the property in question, altered by the magistrate who signed it, with a view of making it a warrant for another tax-bill.—*Ib.*

7. *Rights on absolute refusal to pay tax.* If the collector of a school district call upon A, legally assessed in the

district, for the payment of a tax which he holds against him, for collection, and A absolutely refuses to pay the tax, the collector is not required to give further time and specify the time and place when and where he will receive the tax, but may at once levy on the property of A.—*Downer v. Woodbury*, 19 Vt. 329; *Wheelock v. Archer et al.*, 26 Vt. 380.

8. And where the collector justified under his tax-bill and warrant the fact that A promised to pay the tax within one week if the collector would leave the property upon which he had levied, can have no effect upon the collector's liability in an action of trespass; A's former refusal justifying the levy; and the collector had a right to proceed with the levy until the tax was paid.—*Wheelock v. Archer & Wilder*, 26 Vt. 380.

9. *Proceedings subsequent to levy.* The proceedings of the collector subsequent to the levy will be presumed to be correct, unless from some fact existing in the case they appear to be otherwise; and the fact that in making an adjournment of the sale he inserted "4 o'clock A. M." instead of "4 o'clock P. M." will not render him a trespasser in making the sale.—*Ib.*

10. And a person assisting the collector in making a legal levy will not become a trespasser by a subsequent abuse by the collector of his authority.—*Ib.*

11. *Time of posting property for sale.* The collector may post property for sale before the expiration of four days from the time of its distraint for non-payment of school district taxes, provided the day fixed for the sale is at least six days after the expiration of the four, and a sale under such a notice would be legal.—*Harriman v. School District in Orange*, 35 Vt. 311.

12. *Place of sale of property distrained.* A collector of a school district, distraining property to satisfy a tax, need not sell the property in his district; if sold in the town it is sufficient.—*Sherwin v. Bugbee*, 16 Vt. 439.

13. *Necessary proof under justification.* It is not sufficient for him who justifies a taking of property by virtue of a warrant directed to him as collector of a school district, to show the warrant and rate-bill, but he must show the organization of the district, the appointment of the committee, the legal imposition of the tax and his own appointment as collector. Unless the authority of the collector is shown, an assistant cannot justify in acting by his command.—*Bates v. Hazeltine & Chipman*, 1 Vt. 81.

14. A collector of a school district tax is liable in trespass for seizing property by virtue of his warrant and rate-bill, if the district have no power to grant the tax; or if there be any illegality in voting it; although such warrant and rate-bill are regular on their face.—*Waters v. Daines*, 4 Vt. 601.

15. *Indemnifying collector.* A school district is only bound to indemnify the collector when he is made liable by reason of some irregularity in their proceedings. Per POLAND, J.—*Harrington v. School District in Alburgh*, 30 Vt. 155.

16. *No authority to arrest for non-payment of interest on taxes.* The collector has no authority to arrest a taxpayer for the purpose of enforcing the payment of interest on taxes. *Shaw v. Peckett & Gerry*, 26 Vt. 482.

17. *Proceedings at sale.* The erroneous declaration of a tax collector at the sale of property distrained for non-payment of a tax, that he had sold sufficient to pay the tax

and should sell no more, does not render illegal his subsequent proceedings, on the same occasion without adjournment or great delay, to sell sufficient property to amount to the tax and costs.—*Woodcock v. Bolster*, 35 Vt. 632.

COLLEGIATE EDUCATION. See Education.

COMMON SCHOOL EDUCATION. See Education.

IV. CONSTITUTIONAL LAW.

1. *Taking land by proceedings in invitum.* The taking of land for the location of a district school house is for a *public use*, and therefore the act of 1857 [No. 58, p. 71], providing for taking land *in invitum* for that purpose and having the damages appraised and paid, is not repugnant to the constitution.—*Williams v. School District No. 6 in Newfane*, 33 Vt. 271.

V. EDUCATION.

A good common school education, at least, is now recognized as one of the *necessaries* for an infant. Without it he would lack an acquisition which would be common among his associates, and would ever be liable to suffer in his transactions of business. Such an education is moreover essential to the intelligent discharge of civil, political, and religious duties.

But it is obvious that the more extensive attainments in literature and science must be viewed in a light somewhat different. A collegiate education should not be ranked among those *necessaries* for which an infant could render himself liable by contract.—*Middlebury College v. Chandler*, 20 Vt. 683.

ENGLISH COMPOSITION. See Teacher, 5; Prudential Committee, 8.

VI. EVIDENCE.

1. Admissions by pleadings.
2. Proof by reputation.

- a. Of the existence and organization of school districts.
- b. And that such person was its prudential committee.
- 3. Presumptions.
 - a. As to application for warning for school meeting.
 - b. As to contents of collector's notice of sale.
 - c. As to regular organization of school district.
- 4. Parol evidence admissible.
 - a. To show the true time of execution of certificate.
 - b. To show true time when rate-bill and certificate were made.
 - c. To prove contents of notice of sale.
- 5. Parol evidence not admissible.
 - a, b, c, d. To vary or contradict the records of a school district in a suit at law, nor to supply defects in such records.
- 6. Evidence in particular actions.
 - 1. In assumpsit.
 - a. To recover damages for dismissing a teacher.
 - b, c, d. To recover pay for having taught a district school.
 - 2. In trespass for alleged excessive punishment of a pupil by his teacher.

1. *Admissions by pleading.* Where by the pleadings it is admitted that certain persons were, at a particular time, the prudential committee of a school district, testimony to show they were not is inadmissible; but testimony showing the identity of particular persons with those named in the pleadings is proper.—*Moss v. Hinds*, 29 Vt. 188.

2. *Proof by reputation.*

a. *Of the existence and organization of school district.* The existence and organization of a school district may be proved by reputation (by witnesses on the stand) where its organization does not appear of record. All that is necessary in such cases is to show that there is a district, long known and recognized as such.—*Barnes v. Barnes*, 6 Vt. 389; *Sherwin v. Bugbee*, 16 Vt. 439; *Sawyer v. Williams*, 25 Vt. 311; *Bull v. Griffith*, 30 Vt. 273; *Bowen v. King*, 34 Vt. 157.

b. *And that a certain person was prudential committee.* The organization and existence of a school district, and that

a certain person was its prudential committee, may be proved by reputation, by the fact that such district has exercised corporate power as a district, and that such person acted as a prudential committee, without the production of the records, where the questions arise collaterally, and in proceedings to which the district is, in no way, a party.—*State v. Williams*, 27 Vt. 755.

3. *Presumptions.*

a. *As to application for warning of school meeting.* If it was essential that an application in writing was made to the district clerk to warn a school meeting, the court would presume that such application was made.—*Mason v. School District in Brookfield*, 20 Vt. 487.

b. *As to loss of collector's notice of sale.* The loss of notices of sale posted by a collector on sale of property for non-payment of taxes would be presumed after the lapse of one year, so as to admit parol evidence of their contents.—*Eddy v. Wilson*, 43 Vt. 362.

c. *As to regular organization of school district.* After an acquiescence of all concerned for more than fifteen years in the proceedings of school districts in a town, the regular division of the town into such districts, and the regular organization of such districts, will be presumed.—*Sherwin v. Bugbee*, 16 Vt. 439.

4. *Parol evidence is admissible.*

a. To show the true time of the execution of an instrument having a false date, purporting to be a certificate of qualifications issued to a teacher, and that it was given when the teacher was not entitled to it, under an assurance that no legal use should be made of it.—*Hopkins v. School District in Danby*, 27 Vt. 281.

b. To show the true time when a rate-bill and certificate were made, differing from the date expressed.—*Goodwin v. Perkins*, 39 Vt. 598.

c. To prove the contents of the notices of sale posted up by the defendant, a collector of taxes, on sale of property distrained for non-payment of taxes, without proving the loss of the notices.—*Eddy v. Wilson*, 43 Vt. 362.

5. *Parol evidence is not admissible to vary or contradict the records of a school district clerk in a suit at law, nor to supply defects in such records.*

a. And where the record of a vote at a school district meeting was “That the district build a new school house; 16 for and 11 against it;” and in a tax case arising under said vote, evidence that seven of the sixteen who voted in the affirmative were not legal voters in that meeting was offered and rejected, it was held that the evidence was properly rejected.—*Eddy v. Wilson*, 43 Vt. 362.

b. The legal effect of the record must be determined by the record, and cannot be explained away by parol, by showing that by a particular vote it was not intended to ratify a certain act of the prudential committee.—*Cameron v. School District in North Hero*, 42 Vt. 507.

c. Nor by showing what the voters present at the meeting supposed that they had accomplished.—*Adams v. Crowell et al.*, 40 Vt. 31.

d. Nor by showing that all the legal voters in the district were present at the meeting, and voted upon the question of raising the tax.—*Sherwin v. Bugbee*, 17 Vt. 337.

e. If it do not appear from the record of the warning of a school district meeting that the hour of the day for the

meeting was specified in the warning, the defect cannot be supplied by parol evidence that in the original warning the hour was stated.—*Ib.*

6. *In particular actions.*

1. *In assumpsit to recover damages for dismissing a teacher from his employment.*

a. Evidence to show that parents and scholars were dissatisfied with the teacher is inadmissible in such action.—*Paul v. School District in Hartland*, 28 Vt. 575.

b. And such evidence would be inadmissible in an action to recover pay for having taught a district school.

c. Where the defendant district gave notice that they would give in evidence that the plaintiff was incompetent to govern the school, it was held competent for the district to prove certain particular instances of mismanagement in the government of the school; that the evidence need not be confined to the general management and government, and its effect upon the school, even though the notice was general.—*Holden v. School District No. 10 in Shrewsbury*, 38 Vt. 529.

d. In an action to recover wages for teaching school, it having appeared in evidence on the trial that the plaintiff once taught a school in B, and had had some trouble in her school there, the defendant offered to show that the plaintiff was questioned by her scholars as to this difficulty and what account she gave of the matter, and to prove by other witnesses that her history of the trouble in her school at B was not correct, in order to show that the plaintiff was not truthful: *Held*, that the exclusion of such evidence was proper.—*Wells v. School District No. 2 in Granby*, 41 Vt. 353.

2. *In trespass for alleged excessive punishment of a pupil by his teacher.*

a. Evidence that the general character of the latter as a master in governing his school, was mild and moderate, is not admissible.—*Lander v. Seaver*, 32 Vt. 114.

b. *It seems* such evidence would be admissible upon the question of the teacher's malice in inflicting the punishment—I*b.*

c. Whether a rawhide is a proper instrument of punishment is for the jury to decide under the circumstances of the case.—*Ib.*

d. Evidence to show that the rawhide is used in other schools in the vicinity is properly admitted to rebut the charge of malice, by showing that the teacher did not resort to an unusual instrument of punishment.—*Ib.*

e. And testimony to show that the plaintiff did not claim an excess of punishment on the former trial of the same cause is proper, as tending to prove that that claim on this trial is not well founded.—*Ib.*

VII. GRAND LIST.

Not a legal basis for taxation until signed and sworn to by listers. The grand list of a town does not become the legal basis of taxation, either in the town or school districts, until a majority of the listers have signed and sworn to a certificate thereon as required by law.—*Reed v. Chandler*, 32 Vt. 285.

Where a school district in October voted to raise money to defray the expenses of a school house, and without having proceeded to raise the money, subsequently, on the 29th day of March, voted to raise three hundred cents on the dollar for the same purpose, *held* that the latter vote super-

seded the former, and thereby became the only vote upon which a tax could be made out, and having been passed after the first day of March, 1870, a tax assessed under the last named vote on the grand list of 1869 was illegal.

Such tax would have been illegal even if it had been expressly made by vote upon the grand list of 1869, and such fact appeared from the records of the district; but the records failing to show such fact it cannot be shown by parol.—*Capron v. Raistrick*, 44 Vt. 513.

VIII. GRANT.

Grant of lands by legislature for use of schools irrevocable. A grant of lands by a state legislature to a corporation aggregate for the purpose of public instruction, religious or literary, is a *contract* which the state has no power to impair, vacate or control by subsequent legislation.—*Grammar School v. Burt*, 11 Vt. 632.

IX. LISTERS.

- a. Ministerial duty of listers.
- b. Duty as to designating school-district list in which partnership property is to be set.
- c. Action against.

LISTERS.

a. *Ministerial duty of listers.* The duty of the listers under the act of 1847, “to set in the list the appraised value of all real and personal estate in each school district severally,” was, in its character, wholly ministerial.—*Fairbanks & Co. v. Kittridge et al.*, 24 Vt. 9.

b. *Duty as to designating school district list in which partnership property is to be set.* And when the members of a firm carried on business in school district No. 1, and their personal property, on the first day of April, 1848, was in said district, except what they had sent abroad for sale, it

was held that the statute does not authorize an ideal separation of their joint property, so as to set a portion of the property in school district No. 2, where one of the partners resided ; but the property should be designated as being in school district No. 1, where a portion was actually situated—where the partnership business was carried on, and where a majority of the partners actually resided.—*Ib.*

c. *Action against.* And if the firm suffer any injury or damage from the listers setting their property, or a part thereof, in some other school district, they will be liable, and the firm can sustain an action against them ; but if the firm have not lost by such transfer, the aggregate amount of the lists being the same, and the rate of taxation having been less in No. 2 than in No. 1, they cannot recover damages in a suit against the listers.—*Ib.*

X. MANDAMUS.

The court will not grant a writ of mandamus, requiring the clerk of a school district to amend his records, when it appears that he has ceased to be clerk, and has removed without the jurisdiction of the court, and it further appearing that the amendment, if made, would be entirely immaterial and would not affect the legality of the district meeting in question.—*Mason v. School District No. 14 in Brookfield*, 20 Vt. 487.

MODERATOR. See School District Meetings, 8.

XI. OFFICERS OF SCHOOL DISTRICT.

- a. Term of office.
- b. Eligibility to office.
- c, d, e, f, g, h. Vacancies in district offices.

OFFICERS OF SCHOOL DISTRICT.

a. *Term of office.* School-district officers, elected at an annual meeting of the district, will hold their offices until

others are elected at another annual meeting to supersede them; and it makes no difference whether the second is a few more or a few days less than one year from the time the first meeting was held.—*Chandler v. Bradish*, 23 Vt. 416; *Walker v. Miner*, 32 Vt. 769; *Woodcock v. Bolster*, 35 Vt. 632.

b. *Eligibility to office.* Prior to the enactment of No. 12, Acts of 1864, it was not a requisite qualification of a voter or office-holder in a town or school-district meeting, that he be a freeman.—*Woodcock v. Bolster*, 35 Vt. 632.

c. *Vacancies in district offices.* The refusal of the prudential committee to assess a tax voted by a district, does not create a vacancy in the office.—*Stevens v. Kent*, 26 Vt. 503.

d. But when the town created a new district and the prudential committee of one of the old districts was included within the new district, that was held sufficient to vacate the office.—*Ib.*

e. Under Gen. Stat. ch. 22, § 40, the failure of a district to cause a school to be kept as provided, is to be treated as a cause or reason for vacating the offices, but that the officers are not absolutely displaced and ejected from office, until the selectmen have taken action and appointed others.—*Woodcock v. Bolster*, 35 Vt. 632.

f. When a school district, at an annual meeting, have appointed one person as prudential committee, it is not competent for the district, during the year, to supersede him by appointing another person in his place, or by adding more to the number of the committee.—*Mason v. School District in Brookfield*, 20 Vt. 487; *Chandler v. Bradish*, 23 Vt. 416.

g. J, a prudential committee and clerk of a school district, enlisted into the army. He informed the inhabitants that he was about to leave the district and could no longer serve as clerk and committee, and, as clerk, duly warned a meeting of the voters of the district to elect a clerk and committee to fill the vacancies thus occasioned, and at such meeting a clerk and A as committee were duly elected, and J thereupon delivered up the records and papers pertaining to said offices to such newly elected officers. A, from the time of such election, acted as and discharged the duties of prudential committee, and made out and certified the rate-bill in question. *Held*, that A was prudential committee *in fact* if not *of right*, and this is all that was necessary to enable the defendant, as collector, to justify under his acts.—*Goodwin v. Perkins*, 39 Vt. 598.

h. The same principles applied to the offices of clerk and collector.—*Woodcock v. Bolster*, 35 Vt. 632.

XII. PLEADING.

1. Indictment against town.
2. Declaration.
 - a, b. In assumption.
 - c. In case.
3. Pleas.
 - a, b. In trespass.

PLEADING.

1. *Indictment.*

Against town. In an indictment against a town for the neglect of the selectmen to assess the three cent school tax, under the act of 1827, the duty of the selectmen, and their neglect, should be stated, and also that there was no legal excuse for such neglect, and that the town had no funds equal to any part of the sum to be raised, if the neglect relied on is that the selectmen neglected to raise the whole tax.—*State v. Northfield*, 13 Vt. 565.

IN CIVIL ACTIONS.

2. *Declaration.*

a. *In assumpsit.* The declaration in an action of assumpsit against a school district for breach of their contract to employ plaintiff to teach their school, need not contain an averment that plaintiff had procured from the town superintendent a certificate of qualifications.—*Doyan v. Sch. Dist. in Montgomery*, 35 Vt. 520.

b. *In assumpsit.* The plaintiffs proposed to sell to defendants, who were a school district, certain land, upon which a school house was to be erected, with the restriction, that the front of the school house, when erected, should be upon a line with the front of a certain meeting-house, and that no building should be erected upon the land in front of the school house and meeting-house.

This proposition was made in school meeting, and the district thereupon voted to instruct their prudential committee to purchase the land. The purchase was made accordingly; and in the deed, executed by the plaintiffs to the defendants, the restriction was expressed to be that no erections should be made upon said land between the school house and the highway. In the declaration in an action of assumpsit brought by the plaintiffs to recover the price, which the defendants agreed to pay for the land, this restriction was expressed in the words used in the deed. *Held*, that there was no variance between the contract declared upon and that proved.

At the time the proposal was made for the sale to the district, the land had been unenclosed for some years, and open to the public, and one restriction imposed by the plaintiffs in their proposal, was that the land should be kept open.

In the deed it was expressed that the land should remain as a public common. And in the declaration, the restriction was expressed as in the deed. *Held*, that this difference constituted no objection to the plaintiff's recovery, that the deed only imposed upon the district the obligation to keep the land free as it then was.

Held, also, that the plaintiffs in such suit were properly allowed by the county court to prove the terms upon which they so offered to sell the land to the district.

And, where it appeared, in such case, that the selectmen of the town, in pursuance of a vote of the district, had located the school house upon the land in question, and that the district voted "to instruct the prudential committee to purchase the land designated by the selectmen for the location of a school house, at the price of \$100," and that the prudential committee had purchased the land at the special price, but the district should hold the land for the purpose of erecting a school house thereon, and that the school house should be so located that the front should be upon a line with the front of a meeting house standing near, and that no erection should be placed upon the land between the school house and the highway, but the land should remain as a public common, it was *held*, that these restrictions did not defeat or impair the object of the purchase, and that the prudential committee had power to accept a deed containing such restrictions, and that the plaintiffs might recover from the district the price of the land under a general count for land sold.

And such deed being executed with covenants of warranty, it was held no defence to such action that there was a defect in the plaintiff's title to the land.—*Dix et al. v. School District in Wilmington*, 22 Vt. 309.

c. *In case*. Case is the proper form of action for causelessly and wantonly disturbing plaintiffs in the enjoyment of the right to occupy the school house for a private school under a vote of the district conferring upon plaintiffs such right of occupancy.—*Chaplin et al. v. Hill et al.*, 24 Vt. 528.

3. *Pleas*.

a. *In trespass*. An averment that the listers put the plaintiff's real estate in the grand list, at a certain sum, is a sufficiently direct and positive averment that he had a grand list to that amount, for his real estate.—*Adams v. Hyde*, 27 Vt. 221.

b. *In trespass*. In an action of trespass, where the declaration contains several counts, a plea which commences and concludes in bar of the action generally, and the obvious and natural import of the language of which should be understood in a plural and distributive sense, as applying to the different occasions on which the trespasses are charged, must be taken as a plea to the whole declaration.

A plea to the whole declaration, to be sufficient, must appear to contain an answer to all that is alleged as the direct ground and gist of the action, and such answer must be valid and sufficient in law.

Matter of aggravation, correctly understood, does not consist in acts of the same kind and description as those constituting the gist of the action, but is something done by the defendant, on the occasion of committing the trespass, which is, to some extent, of a different legal character from the principal act complained of.

But a declaration, which charges the defendant with having struck the plaintiff a great many violent blows with a club, and with a rawhide, and with his fist, and with hav-

ing, with great violence, shaken the plaintiff, and pulled him about, and with having thrown down the plaintiff and there harshly and brutally kicked him and struck him other violent blows, and with having wounded him, and torn his clothes, exhibits a mere succession of acts of direct trespass, all remediable by an action of the same class, and each requiring some complete justification, or excuse, in the plea.

But a plea to such declaration, which professes to answer the "assaulting, beating, and ill-treating," using the explanatory words, "as in the declaration mentioned," will be considered as co-extensive with the alleged cause of action.

But it was held, that a plea to a declaration alleging such acts of trespass, which avers merely that the defendant was a schoolmaster and the plaintiff was his scholar, and that the plaintiff was insolent and refused to obey the reasonable commands of the defendant, and thereupon the defendant moderately chastised him, and which set forth no acts on the part of the plaintiff requiring excessive severity on the part of the defendant, such as resistance by the plaintiff, did not disclose a sufficient justification in law, for the acts alleged in the declaration.—*Hathaway v. Rice*, 19 Vt. 112.

XIII. PRUDENTIAL COMMITTEE.

1. Exclusive authority to hire teachers.
2. Authority to dismiss teachers.
- 3, 4. Sufficient cause for dismissal of teacher.
5. To make out rate-bill.
6. To see that means are provided to pay teacher.
7. No power to waive obtaining certificate.
8. May expel scholar for refusing to write English Compositions.
9. May allow school house to be used for a private school.
10. Has exclusive control over occupancy of school house, when public school is in operation.

11. Has no authority to employ counsel to defend collector.
12. Has power to compromise and pay claims against district growing out of his legal action as committee.
13. May recover value of necessary fuel furnished.
14. No authority to assess tax for fuel without a vote of district.
15. How far controlled by custom of district.

PRUDENTIAL COMMITTEE.

1. *Exclusive authority to hire teachers.* The prudential committee has the exclusive power of employing teachers in school districts, and the district has no power over the subject.—*Mason v. School District in Brookfield*, 20 Vt. 487.

2. *Authority to dismiss teacher.* The prudential committee has full authority and power, as matter of law, to remove and dismiss a teacher whenever he chooses to exercise that authority and power, but if the teacher is dismissed and removed without any just and sufficient cause, he is thereby discharged from his duty to perform the contract on his part, and is entitled to recover of the district his damages.—*Holden v. School District in Shrewsbury*, 38 Vt. 529.

3. *Sufficient cause for dismissal of teacher.* Incompetency to teach all or any of the subjects of instruction or learning prescribed by law to be taught in the common schools of the state, or to properly rule and govern the school, is good and sufficient cause for the teacher's dismissal.—*Ib.*

4. The contract between the teacher and the school district contained a stipulation "that she should leave if the school was not satisfactory." *Held*, that the prudential committee in such case had no just cause for dismissing the teacher for her personal unpopularity in the district—the dissatisfaction must have been with *her school*.—*Richardson v. School Dist. in Westminster*, 38 Vt. 602.

5. *To make out rate-bill.* The prudential committee of a school district is alone authorized to make out and certify

the rate-bill of a tax voted by the district, and the district can confer that authority upon no other officer or person.—*Johnson v. Sanderson*, 34 Vt. 94.

6. *To see that means are provided to pay teacher.* The prudential committee is the proper officer to see that means are provided to pay the teacher for his services, and when he in good faith pays the teacher out of his own funds for services performed for the district, and before the service of the trustee process on the district, the district may recognize and assent to such payment, and repay the money to the committee after the service of the trustee process, and such repayment will entitle the district to their discharge as trustee.—*Edson v. Sprout & Tr.* 33 Vt. 77.

7. *No power to waive obtaining certificate.* The prudential committee has no power to waive the requirement of the statute that the teacher obtain a certificate of qualifications from the town superintendent, nor can the prudential committee bind the district by a contract with the teacher that he may teach the school without such certificate and the district shall pay him his wages.—*Goodrich v. School District in Fairfax*, 26 Vt. 115

8. *May expel scholar for refusing to write English compositions.* A requirement by a teacher of a district school sanctioned by the prudential committee, that the scholars in grammar shall write English compositions is a reasonable one, and if such scholar, in absence of any request from his parents that he may be excused from so doing, refuse to comply with such a requirement, the prudential committee may expel him from the school on that account.—*Guernsey v. Pitkin*, 32 Vt. 224.

9. *May allow school house to be used for a private school.* The prudential committee, in absence of any dissent by the

district, may allow the school house to be used for a private school; and after the plaintiff, acting upon such agreement, had taken possession of the house, the committee cannot allege his own want of authority to make such agreement, and take possession of the house and forcibly prevent plaintiff from entering to continue his school.—*Russell v. Dodds*, 37 Vt. 497.

10. *Has exclusive control over occupancy of school house when public school is in operation.* The prudential committee by implication must have the exclusive right to occupy the school house when the public school is in operation, but beyond this the committee has no exclusive control of the school house against persons authorized to use it for a private school by a vote of the district.—*Chaplin et als. v. Hill & Stiles*, 24 Vt. 528.

11. *No authority to employ counsel to defend collector.* The prudential committee, without a vote of the district, has no authority to employ counsel at the expense of the district to defend a suit against a collector.—*Harrington v. School Dist. in Alburgh*, 30 Vt. 155.

12. *Power to compromise and pay claims against district growing out of his legal action as committee.* The prudential committee, as the general financial agent of the district, has power to compromise and pay a claim against the district for a couple of black-boards furnished by him for use in the school house, one of which had been worn out, and recover the amount so paid of the district.—*Norton v. School Dist. in Tinmouth*, 37 Vt. 521.

13. *May recover value of necessary fuel.* And the committee may furnish necessary fuel, and recover the value thereof of the district.—*Ib.*

14. *No authority to assess tax for fuel without vote of district.* Under Comp. Stat. ch. 20, § 44, having furnished the fuel himself, he had no right to assess the cost of it upon the scholars or the district, without a vote of the district authorizing him to do so.—*Ib.*

15. *How far controlled by custom of district.* And a custom of the district to apportion the wood itself to the scholars, and if sufficient was not procured in that way, to sell the right of furnishing the deficiency to the lowest bidder, *held* not to preclude the prudential committee from adopting a different course.—*Ib.*

REGISTER, ENTRIES IN. See Teacher.

SALE OF PROPERTY DISTRAINED FOR NON-PAYMENT OF TAXES. See Collector, 12.

XIV. SCHOOL DISTRICT.

1. Proof of existence and organization.
 - a. By reputation.
 - b, c, d. By other evidence.
2. Boundaries.
 - a. Must be by territorial limits.
 - b. But not necessarily connected territory.
 - c. Limits must be defined by vote of town.
3. Proceedings of towns in formation and alteration of school districts.
 - a, b, c, d. Sufficient description of territory.
 - e, f, g, h, i. Sufficiency of vote.
 - j, k, l. Article in warning.
 - m. Annexing inhabitant to district in adjoining town.
 - n, o. When vote of annexation takes effect.
4. Powers of school districts in locating, purchasing land, and building school house.
 - a. Location.
 - b. Purchasing land.
 - c. Taking land by proceedings *in invitum*.
 - d. Quantity of land that may be taken.
 - e, f, g, h, i, j, k. In building school house.
 - l. Acceptance of house by building committee.
5. Assuming defence of collector.
 - a. May by vote, and may raise tax to defray the expense.
6. Ratification of unauthorized act of committee.
 - a, b. By vote.
 - c. By acquiescence.
- 7, 8. Control of district over school house.

9. The inhabitants have no estate in district property.
10. Agent of, entitled to recover what it was worth to him to do the work.

SCHOOL DISTRICT.

1. *Proof of Existence and Organization.*

a. *By reputation.* The existence and organization of a school district may be proved by witnesses on the stand—by reputation—where its organization does not appear of record. All that is necessary in such cases is to show that there is a district, long known and recognized as such.—*Barnes v. Barnes*, 6 Vt. 389; *Sherwin v. Bugbee*, 16 Vt. 439; *Sawyer v. Williams*, 25 Vt. 311; *Bull v. Griffith*, 30 Vt. 273; *Bowen v. King*, 24 Vt. 157.

b. After an acquiescence of all concerned, for more than fifteen years, in the proceedings of school districts in a town, as such, the regular division of the town into such districts, and the regular organization of such districts will be presumed.

A school district, after the suspension of all its functions for ten years, may properly organize anew, when required so to do by the town; and that without being, by a vote of the town, set off anew and constituted a school district.—*Sherwin v. Bugbee*, 16 Vt. 439.

c. When a school district has been organized, in fact, for a number of years, and has chosen its officers from time to time, the selectmen cannot organize it again, as an unorganized district, because doubts are entertained of the regularity of the former organization; and a tax voted under such new organization is illegal.—*Thomas v. Gibson*, 11 Vt. 607.

d. The division of a town does not thereby constitute two distinct districts of one school district, which is intersected by the division line.—*Tiletson v. Newman & Gates*, 23 Vt. 421.

2. *Boundaries.*

a. *Must be by territorial limits.* Districts are required by statute to be defined by geographical limits, and should be described by territorial boundaries, and not by the names of inhabitants; a vote of a town "to set A B to district No. 3" is therefore null and void.—*Gray v. Sheldon*, 8 Vt. 402.

b. *But not necessarily connected territory.* It is not necessary that a school district be formed of connected, contiguous territory.—*Weeks v. Batchelder*, 41 Vt. 317.

c. *Limits must be defined by vote of town.* The limits of districts must be defined by the vote of the town, or the vote must contain such directions as will render its limits capable of being definitely ascertained.—*Pierce v. Carpenter*, 10 Vt. 480.

3. *Proceedings of Towns in Formation and Alteration of Districts.*

a. *Sufficient description of territory.* Under an article in the warning for an annual town meeting, "3d, *To see if the voters present will vote to set off*" the plaintiff and six other persons named "*and their real estate * * * from school district No. 5,*" and two other persons named "*and the farms on which they reside from district No. 4, the same to constitute a new school district,*" the town voted "*to constitute a new school district, agreeably to the third article in the warning, to be called district No. 10.* Held as being sufficiently definite in describing the territory to be comprised within the new district.—*Moore v. Beattie*, 33 Vt. 219.

b. And a vote to transfer certain persons "*with their property*" from one district to another held sufficient.—*Hall v. School District in Calais*, 46 Vt. 19.

c. A vote "*that A P*" and others named "*be set into a district by themselves,*" held insufficient to establish a new district.—*Pierce v. Carpenter*, 10 Vt. 480.

d. And when a town simply authorized a division of a school district, without defining the boundaries of the new district, it was held insufficient to show a legal division and organization of the new district, though the district voted to divide.

But where a division was in fact made and recorded, and the town afterwards recognized or ratified the same, it was held that this was sufficient to render the division legal and binding upon the inhabitants of the town and district.—*Sawyer v. Williams*, 25 Vt. 311.

e. *Sufficiency of vote.* A vote of a town, April 14, 1863, "*to unite school district No. 5 to No. 4, and constitute them one district,*" had the effect to abolish No. 5 and enlarge No. 4 by the addition to it of what had been No. 5, and the existence of No. 4 was continued as fully to all intents and purposes as before that transaction, and required no act or ceremony on the part of either of the districts. And the warning for a school meeting posted by the clerk of No. 4 on the first day of April for a meeting on the 8th, and by adjournment on the 15th, had as full efficacy after No. 5 had been united on the 14th as it would have had if no such annexation had been made, and meetings held under that warning by adjournment from time to time were of the same validity after the 14th as before, and binding upon the inhabitants of No. 5 thus annexed.—*Greenbanks v. Boutwell*, 43 Vt. 207.

f. Under an article in the warning for a town meeting "*To see if said town will accept and adopt the report of the committee to alter school districts,*" the town is confined

in the alteration of such school districts as the committee should recommend in their report.—*Wyley v. Wilson*, 44 Vt. 404.

g. Under the foregoing article the town voted to set plaintiff, with others, from No. 7 to No. 2, the same not having been recommended by the committee, and such action of the town was wholly unauthorized and void, and did not render the plaintiff taxable in No. 2.—*Ib.*

h. The plaintiff having paid taxes in No. 7 for some years “when *required* to do so by the collectors of the district,” *held* not to have so acquiesced in this unauthorized vote of the town as to have made him a resident of No. 7.—*Ib.*

i. And the town by voting at a subsequent meeting to set the plaintiff to district No. 3 in an adjoining town, describing him as of No. 2, does not bring the case within the principle of *Sawyer v. Williams*, 25 Vt. 311, and effect the transfer of plaintiff from No. 7 to No. 2.—*Ib.*

j. *Form of article in warning.* Under an article in the warning for a town meeting “To see if the town will make alterations in school districts when met,” the town have authority to make any changes in the limits of existing school districts.—*Ovitt v. Chase*, 37 Vt. 196; *Hall v. School Dist. in Calais*, 46 Vt. 19.

k. And the particularizing certain individuals in the article as wishing to be set from one district to another does not operate to limit the action of the town to the individuals thus named.—*Ib.*

l. Under an article in a warning for a town meeting, “2d. To see if the town will vote to divide school district No. 9 in said town; 3d. To make such other alterations in

school districts as may be found necessary," the town has authority to form a new school district out of a part of the territory of No. 9.—*Weeks v. Batchelder*, 41 Vt. 317.

m. *Annexing inhabitant to district in adjoining town.* A town may, by vote, annex a portion of its inhabitants to a district in an adjoining town, which shall consent to receive them, but although the effect of this is to extend the corporate jurisdiction of such district, so as to embrace the persons thus annexed, together with the property subject to taxation belonging to them in the particular territory inhabited by them, yet the *territory* itself is not annexed to the district, as it is in a case where a district is formed from territory belonging to the town, by a concurrent vote of both towns.

And the arrangement between a town and a district in an adjoining town, by which the town, by vote, annexes some of its inhabitants to such district, and the district consents to receive them, is not to be regarded as a compact, absolutely and perpetually binding, but as a mere license and temporary consent on both sides, and therefore subject to be revoked or cancelled by either party.

And the town, in such case, may at any time, by vote, resume its jurisdiction over its citizens, and dissolve their connection with the district, without the intervention of a board of three justices of the peace, as is required when a district has been formed from territory in two towns, by a concurrent vote of both towns.—*Hewitt v. Miller*, 21 Vt. 402.

n. *When vote of annexation takes effect.* And the vote setting off A from school district No. 1 to No. 2 not prescribing or specifying any particular time when the severance and annexation should take effect, it should be consid-

ered as having an immediate effect.—*Ovitt v. Chase*, 37 Vt. 196.

o. And the property represented by A's list would be subject to all school-district taxes voted in No. 1 up to the date of such vote.—*Ib.*

4. *Powers of School District in Locating, Purchasing Land, and Building School House.*

a. *Location.* Under section 38, chapter 20, Compiled Statutes, a school district had the power by a majority vote to locate a school house. [But see ch. 22, § 44, General Statutes, p. 40 of this Compilation.]—*Bean et al. v. Prudential Committee*, 38 Vt. 177.

b. *Purchasing land.* When a district does not own land on which to erect a school house, and one article in the warning of a meeting is "To see what measures the district will take in relation to building a school house," it is competent for the district, at such meeting, to vote to purchase land for that purpose.—*Sherwin v. Bugbee*, 20 Vt. 487; *Dix v. School District in Wilmington*, 22 Vt. 309.

c. *Taking land by proceedings in invitum.* The taking of land for the location of a district school house is for a *public use*, and therefore the act of 1857, (No. 58, p. 71,) providing for taking land *in invitum* for that purpose, and having the damage appraised and paid, is not repugnant to the constitution.—*Williams v. School No. 6 in Newfane*, 33 Vt. 271.

d. *Quantity of land that may be taken.* Under that act the quantity of land allowed to be taken is not limited to just so much as would be covered by the school house, but the quantity taken may be so much as would be necessary for the reasonable enjoyment of the house.—*Ib.*

e. *In building school house.* A district may unite with other parties in the erection of a building, one part to be owned by the district as a school house, and the other part to be owned by the other party for other purposes.—*Eddy v. Wilson*, 43 Vt. 362.

f. When school districts keep within the limits of their corporate powers, their proceedings in raising and expending money cannot be collaterally impeached and held void because, in the opinion of a court or jury, a less sum would have answered the immediate necessities of the corporation, or the money might have been more judiciously or economically expended.—*Ib.*

g. And in the same cause, evidence was offered by plaintiff and rejected by the county court, to show that the district had erected a large building in connection with an incorporated association, the lower story to belong to the district and the upper story to said association, the same being made into a hall : that the district did not need a new school house : that the district had used only one half of the lower story for school purposes, and the other half had been done off for a dressing and cooking room to be used in connection with the hall above, and was never designed for school purposes, and was in fact only built to enable the association to get a large hall overhead ; that the district undertook the whole business of building said school house not to accommodate said district, but to get said hall in which the district had no rights or interest ; that the votes to build such new school house and to raise a tax therefor were not passed in good faith, but were a fraud on the district, and for the purpose of procuring said hall to be used independent of school purposes : and that, in fact, and in pursuance of such purpose, a part of the money thus raised was appro-

priated in building said hall, and materials for erecting said hall were bought on the credit of the district and still remained unpaid, and other similar facts; and the supreme court affirmed the judgment of the county court.—*Ib.*

h. However defective in technical requisites the proceedings of a school district may have been in pursuance of and in reliance on which land has been purchased and a school house erected thereon, the district may at a subsequent legal meeting by vote render itself legally bound to pay for such property, and a legal tax be voted and assessed therefor under sections 43 and 44 of the General Statutes.—*Greenbanks v. Boutwell*, 43 Vt 207.

i. It is lawful for a district to provide such buildings and rooms as in the exercise of an honest discretion it shall judge that the interests of the district require, and may provide a hall for the purpose of school meetings, examinations, and exhibitions, and such other things as are proper and customary in connection with district schools.—*Ib.*

j. And the making of the hall would not be rendered illegal if, when not wanted for school purposes, the district should permit the use of such a hall for other purposes, such as concerts, festivals, religious meetings, lectures, courts, etc.—*Ib.*

k. In the building of a school house to serve present needs, the district may go further and make a reasonable provision for what the district may seem likely soon to need for the service and accommodation of the increasing population and scholars.—*Ib.*

l. *Acceptance of school house by building committee binds the district.* The acceptance of a school house by the building committee is an acceptance by the school district,

and binds the district unless there were defects in the materials used, or in the construction of the house, unknown to the building committee, and which they could not, with reasonable diligence, discover while making the examination of the house for the purpose of accepting the same.—*Dow v. School District in Walden*, 46 Vt. 108.

5. *Powers of School District in assuming Defence of Collector.*

a. *May by vote, and raise tax to defray the expense.* The school district having by vote assumed the defence of the collector in a suit brought against him for proceedings in collecting a tax made out by a special committee; said special committee having in good faith acted under a vote of the district in making out and certifying the rate-bill, the district may legally vote a tax to defray the expenses of such defence.—*Johnson v. Colburn*, 36 Vt. 693.

And the district in such case is not exonerated by the fact that the collector took a bond of indemnity from such special committee.—*Ib.*

6. *Ratification of unauthorized act of Committee.*

a. *By vote.* One of a building committee of two, told plaintiff to go on and build a good house, so that no fault could be found with it, and that the district would probably pay him what would be right. The plaintiff built a good house worth \$200; the district voted to accept it, and to pay the plaintiff \$105 for building the same. *Held*, that the acceptance of the house was absolute, and amounted to a ratification of the action of the committee-man, and bound the district to pay its value.—*Kimball v. School District in Roxbury*, 28 Vt. 8.

b. *By vote.* Where the prudential committee, without a vote of the district, employed an additional teacher to instruct, and she did in fact instruct, legal scholars of the district in a building provided for the purpose and not in the school house, which was in the occupancy of another school, and hired plaintiff to board such teacher, and the district subsequently at a legal meeting voted a tax to pay such teacher for instructing such scholars, it was *held*, that such vote was a ratification of the whole act of the prudential committee in providing for and sustaining that teacher at the expense and upon the credit of the district; and that the plaintiff could recover of the district for boarding such teacher.—*Cameron v. School Dist. in North Hero*, 42 Vt. 507.

c. *By acquiescence.* The fact that the officers and voters of the district generally knew of the pendency and progress of a suit against the collector for his proceedings in the collection of a tax assessed under a vote of the district, and knew of the performance of service by the plaintiff in defending such suit under an employment by the prudential committee, has no legal tendency to show any acquiescence in or adoption of the employment of the plaintiff by the district.—*Harrington v. School District in Alburgh*, 30 Vt. 155.

7. *Control of district over use of school house.* School districts can, by vote, permit the use of their school house for a private school *for the time being merely*, and against the wishes of the prudential committee: nothing appearing but if the school had been permitted to proceed it would have answered all the purposes of a public school, and been open to all the children of the district, and taught all the branches of common school instruction enumerated in the statute, and no others.—*Chaplin et al. v. Hill et al.*, 24 Vt. 528.

8. But *it seems* that the district clearly could not confer any exclusive right to the possession of the school house for any definite time upon any one.—*Id.*

9. *The inhabitants have no estate in district property.* The inhabitants of a school district have no estate in any form in the property belonging to the district.—*Id.*

10. *Agent entitled to recover what it is worth to him to do the work.* A was employed by the district “to superintend the repairs of the school house;” he did it in good faith, and with as much diligence and skill as he did his own business, or as the district had any just ground to expect of him, knowing his habits and ability. *Held* that A could recover for the work what it was worth to him to do it.—*Felt v. School District No. 2 in Rockingham*, 24 Vt. 297.

SCHOOL HOUSE. See School District, 4; Prudential Committee, 9, 10; Warning for City Meeting.

XV. SCHOOL DISTRICT MEETINGS.

- 1, 2. Length of notice of required.
3. How length of notice computed.
4. Omission to state in warning the hour of the meeting.
5. Omission to state hour of adjourned meeting.
6. Not necessary to state in warning the application therefor.
7. Meeting valid if warned without application therefor.
8. Moderator *pro tem* may preside.
9. Rescinding vote.
- 10, 11. Warning must specify the business to be done.
12. Same principle applied to a city meeting.

SCHOOL DISTRICT MEETINGS.

1. *Length of notice of required.* When the statute requires seven days notice of the meetings of school districts, a notice dated on the first day of the month for a meeting to be held on the seventh is not sufficient.—*Hunt v. School District in Norwich*, 14 Vt. 300.

2. A tax voted at a school meeting held under a warning giving more than twelve days notice is invalid.—*Greenbanks v. Boutwell*, 43 Vt. 207.

3. *How length of notice computed* In computing the length of time during which notice of a meeting of a school district was given, the same rule will be applied as in the case of service of process, either the day on which the notice was posted, or the day on which the meeting was held, will be counted.—*Mason v. School District in Brookfield*, 20 Vt. 487.

4. *Omission to state in warning the hour of the meeting.* A school meeting warned without naming in the warning the hour of the meeting, is irregular, and its proceedings are void, and the defect is not cured by adjournment to another day, naming the hour of that day. A vote of the district, at such meeting, to raise a tax, will not justify the collector in an action of trespass against him for taking property to satisfy the same.—*Sherwin v. Bugbee*, 16 Vt. 439; 17 Vt. 337.

5. *Omission to state hour of adjourned meeting.* It is necessary in a vote of adjournment of a school meeting to a future day, to state the hour of such adjourned meeting, otherwise the proceedings thereof will be invalid.—*Greenbanks v. Boutwell*, 43 Vt. 207.

6. *Not necessary to state in warning the application therefor.* It is not necessary to state in the warning of the school meeting for such new organization (or of other school meetings), nor in the record, that such meeting was warned upon the application of the required number of freeholders; the proceedings in this respect will be presumed regular.—*Sherwin v. Bugbee*, 16 Vt. 439.

7. *Meeting valid if warned without application therefor.* If a meeting of a school district be duly warned by the clerk, without any application to him in writing for that purpose, and a meeting be held pursuant to the warning, such meeting will be legal and valid.

That provision of the statute which makes it the duty of the clerk to warn a meeting of the district upon a written application to him for that purpose, was intended to act compulsorily upon the clerk, and not to withhold from him the power of calling meetings without such application.

But if it was essential that such application in writing should have been made, the court would presume that it was made.—*Mason v. School District in Brookfield*, 20 Vt. 487 ; *Chandler v. Bradish*, 23 Vt. 416.

8. *Moderator pro tem may preside.* It is not necessary that the moderator chosen at the annual school meeting should preside at all subsequent meetings of the district during the year ; the proceedings will be valid if the district should, at a subsequent meeting, elect a moderator to preside over that meeting.—*Stevens v. Kent*, 26 Vt. 503.

[G. S., Ch. 22, § 34.]

9. *Rescinding vote.* It is competent for a school district, after having, by vote, rejected a proposition to build a new school house, to rescind such vote at that or a subsequent adjourned meeting, and proceed to raise a tax and pass all necessary votes for such erection, and this may be done without the formality of rescinding the former vote.—*Eddy v. Wilson*, 43 Vt. 362.

WARNING FOR SCHOOL MEETING.

10. *Must specify the business to be done.* The warrant for a school meeting must specify the business to be done ;

and where there was no article relating to the sale of the school house, it was not competent for the meeting, under the article "To do any other business proper to be done," to appoint an agent and authorize him to sell the school house.—*Hunt v. School District in Norwich*, 14 Vt. 300.

11. An article in the warning of a school meeting to see whether the district will have a school the ensuing winter, and to see what method the district will take to pay the expense of said school, is sufficient to authorize the district to vote a tax upon the grand list to defray the expense of the school.

And a vote, at a meeting so warned, "to pay the expense of the school with money drawn from the town, and the residue, if any, on the grand list of the district," will authorize the committee to make a rate-bill upon the grand list of the district for a sum sufficient to pay the excess of the expense of the school above the amount raised from the town, whenever the amount shall be ascertained.—*Chandler v. Bradish*, 23 Vt. 416; *Adams v. Hyde*, 27 Vt. 221.

12. *Warning for city meeting must specify business to be done.* The warning for a city meeting contained the following article: "To vote upon the question of raising money, by tax or otherwise, to meet the accruing expenses of the city government, and for school purposes for the ensuing year." Under this warning the meeting voted, "That the wants of the city demand the erection of a high school building;" and not only voted a tax of twenty cents on the dollar of the grand list, but authorized the mayor to borrow on the credit of the city a sum not exceeding \$15,000, for the purpose of erecting said building. *Held*, that the term "school purposes" in the warning meant the ordinary and current expenses in sustaining the existing schools of the

city, and the vote assessing such tax was illegal and void.—*Allen v. Burlington*, 45 Vt. 203.

XVI. SCHOOL DISTRICT RECORDS.

- a. Warning.
- b. Defects in records.
- c. Correction of records.
- d. Mandamus to clerk.
- e. Records of school district not constructive notice of the limit of the authority of prudential committee.

SCHOOL DISTRICT RECORDS.

a. *Warning.* The warning for a meeting of the inhabitants of a school district should be recorded by the district clerk.—*Sherwin v. Bugbee*, 17 Vt. 337.

b. *Defects in records.* Defects in district records cannot be supplied by parol evidence. [See Evidence, 5.]—*Id.*

c. *Correction of records.* The clerk of a town or other municipal corporation, while in office, and having the custody of the records, may generally make them conformable to the facts by altering or amending them, and this, although he may have been out of office, but is again restored —*Mott v. Reynolds*, 27 Vt. 206.

And *per Redfield, Ch. J.*, in *Mott v. Reynolds*, *supra*, it might be improper to make such amendment if the officer making the record were out of office, or were a party to the suit.

d. *Mandamus to clerk.* The court will not grant a writ of mandamus requiring the clerk of a school district to amend his records, when it appears that he had ceased to be clerk, and has removed without the jurisdiction of the court.—*Mason v. School District in Brookfield*, 20 Vt. 487.

e. *Records of a school district not constructive notice of the limit to authority of prudential committee.* The defend-

ant district legally voted to build a school house, and determined in what place it should be located, and chose a committee to superintend the building thereof. Said committee employed the plaintiffs to build the house; and they built it where the committee directed, but not where the district had voted to locate it, although it was near the site of the old school house, and on land owned by the district. The plaintiffs had no knowledge of the vote locating the house, or that the house was being built in the wrong place; but acted in good faith under the direction of the committee. *Held*, that the record of said vote was not notice thereof to the plaintiffs.—*Baker et als. v. School District No. 2 in Barton*, 46 Vt. 189.

SUPERINTENDENT OF SCHOOLS. See Certificate to Teacher.

The omission to make any examination of the qualifications of a teacher by a town superintendent, before issuing a certificate of qualifications, is undoubtedly a dereliction of duty, but does not render such certificate null and void; and such certificate will be available to the teacher, provided he is guilty of no fraud or improper means in obtaining it.—*George v. School District No. 8 in West Fairlee and Vershire*. 20 Vt. 495.

XVII. TAXATION.

1. Residence of tax-payer.
2. Vote of district necessary.
 - a. Under the General Statutes.
 - b. Under act of 1850.
3. On what list to be assessed.
 - a. Under laws in force in 1830.
 - b. Under acts of 1827 and 1833.
 - c. Under act of 1842.
4. Duties of listers. See Listers.
 - a. In designating school districts.
 - b. How far designation of listers is conclusive.
 - c. How separate valuation may be made.
5. Rate-bill and warrant.

- a. Special committee no authority to make.
- b. Such rate-bill illegal.
- c. Rate-bill and warrant.
- d. Slight excess in amount of tax-bill will not invalidate.
- e. Warrant should be annexed.
- f. Warrant should require money to be paid to treasurer.
- g. Name of inhabitant not taxable need not appear in tax-bill.
- h. Omission to limit time of payment does not invalidate.
See Collector, 1 to 17.
- 6. Effect of illegality of part of tax.
- 7. Tax against *feme sole* who marries; husband not liable to pay.
- 8. Interest on taxes not collectable.

TAXATION.

1. *Residence of Tax-Payer.*

a. A person resident in a school district on the first day of April, and properly listed there, remains subject to taxation therein upon such list while it remains in force, notwithstanding he has subsequently removed from the district. — *Woodward v. French*, 31 Vt. 337; *Walker v. Miner*, 32 Vt. 769.

b. March 19, 1866, the plaintiff, with his family, left school district No. 7 and moved on to the town farm in district No. 8, under a contract to carry it on for the term of one year, intending that the town farm should be their home and residence during that year. The plaintiff, with his family, remained on the town farm not only during that year, but also during the second and third years, with like intentions. The plaintiff at the same time carried on and controlled his own farm in No. 7, and during the haying and harvesting seasons he, with some of his family, occupied his house in No. 7 to do the work there, the rest of the family living on the town farm; but he intended all the time to return to reside on his farm in No. 7 when he should get through carrying on the town farm. *Held*, that the poll of plaintiff was legally taxable in No. 8, and not in No. 7,

during the years 1866, 1867, and 1868.—*Woodard v. Isham*, 43 Vt. 123.

2. *Vote of District Necessary.*

a. *Under General Statutes.* Under the existing statute (G. S., ch. 22, § 47, as amended by No. 61 of 1864,) a vote of the district is necessary to sustain a legal tax. And when under articles in the warning, “3d, To see if the district will vote to have a school during the ensuing year, and if so, how long, and when to begin;” and “4th, To see how to support said school,” the district “voted to sustain a school during four months the ensuing year, in summer and fall,” it was *held*, that such vote did not authorize the prudential committee to assess a tax for the support of the school: and the legal effect of such vote cannot be enlarged or controlled by what the voters of the district intended to do, or by what they supposed they had done.—*Adams v. Crowell et al.*, 40 Vt. 31.

b. *Under act of 1850.* Under the act of 1850 (C. S., § 44, p. 149,) requiring districts to raise teachers' wages upon the grand list, the prudential committee had no power to assess a tax on the grand list of the district only after a vote of the district assessing or ordering the tax.—*Bowen v. King*, 34 Vt. 157.

3. *On what List to be Assessed.*

a. *Under laws in force in 1830.* Under the statutes in force in 1830, a district could not lawfully vote a tax on a list which is not to be completed until after thirty days from voting the tax.

A tax voted in May on a list not to be completed till December following, and which thus could not be assessed within thirty days after voting the tax, as required by stat-

ute, held to be illegal, with all subsequent proceedings to enforce its collection.

A tax is not necessarily void because it is not assessed within thirty days after it is voted.—*Waters v. Daines*, 4 Vt. 601.

[Altered by General Statutes, ch. 84, § 67, as amended by No. 12, acts 1874.]

b. *Under acts of 1827 and 1833.* Under the school act of November, 1827, and the explanatory act of 1833, the voters in any school district may assess a tax for the support of a school, upon such scholars only as actually attend the school, and the term “otherwise” in the former act is to be interpreted by the practice that obtained under the original school act of 1797.—*Brown v. Hoadley*, 12 Vt. 173.

[*Aliter*, see General Statutes, ch. 22, § 50, as amended by No. 61 of 1864, p. 69.]

c. *Under act of 1842.* The grand list which by the act of 1842 (C. S., ch. 80, § 50,) was required to be completed and returned to the town clerk’s office on or before the first Monday of December, became and was *on* that day the existing grand list upon which a tax voted on that day was required to be assessed.—*Moss v. Hinds*, 29 Vt. 188.

[Altered by General Statutes, ch. 84, § 67, as amended by No. 12, acts 1874.]

d. A school district tax on that list could be voted on the first Monday of December by a school district meeting which had been adjourned to that day from a previous one.—*Ib.*

4. *Duties of Listers.*

a. *In designating school district.* Where the real estate of A was set off from school district No. 1 to No. 2, May 12, 1860, it should in the list of that year have been designated by the listers as belonging to district No. 1.—*Ovitt v. Chase*, 37 Vt. 196.

b. *How far designation of listers is conclusive.* And the act of the listers in erroneously designating the list of A as belonging to district No. 2 was not conclusive either upon A or upon school district No. 1, if the town records furnish the necessary means of correcting such error.—*Ib.*

c. *How separate valuation may be made.* Prior to the enactment of No. 43, acts of 1855, while the statute required the real estate situated in a school district to be assessed for the district taxes, it provided for no separate valuation for each district. *Held*, it was competent for the prudential committee to make the assessments upon such a proportion of the general value of all the individual real estate in the town as the value of his real estate in the district bore to that of the whole.—*Adams v. Hyde*, 27 Vt. 221.

5. *Rate-Bill and Warrant.*

a. *Special committee no authority to make.* A special committee appointed by a school district to remove the school house of the district, has no authority to make up a rate-bill of a tax voted to defray the expense of such removal, or certify to its correctness.—*Johnson v. Sanderson*, 34 Vt. 94.

b. *Such rate-bill illegal.* And a tax-warrant issued to the collector of such district, annexed to the rate-bill, made and certified by such special committee only, conferred no authority upon the collector.—*Ib.*

c. *Rate-bill and warrant.* By vote of the district, one half of a tax was to be paid July 1, and the remainder by September 1, 1868; the prudential committee issued two separate rate-bills, each for one half the tax: after some taxes has been paid on each, but no part of plaintiff's, the committee thought best then to issue a third rate-bill and

warrant for all the taxes paid and unpaid on the two former, the plaintiff's tax in this bill embracing the sum of the two former taxes. *Held*, that the third tax-bill was valid and the collector could justify under it.—*Eddy v. Wilson*, 43 Vt. 362.

d. *Slight excess in amount of tax will not invalidate.* And it will not affect the validity of the rate-bill, that it is made for an amount exceeding, by some small sum, the actual amount of the expense of the school above the amount received from the town.—*Chandler v. Bradish*, 23 Vt. 416.

e. *Warrant should be annexed.* The selectmen should annex a warrant to a rate-bill of a state school tax, as in case of a tax voted by a town.—*Wilson v. Seavey*, 38 Vt. 221.

f. *Warrant should require money to be paid to treasurer.* The warrant for the collection of a school-district tax should require the money when collected to be paid to the treasurer.—[Gen. Stat. § 47, ch. 22.] *Bull v Griffith*, 30 Vt. 273.

g. *Name of inhabitant not taxable need not appear in tax-bill.* If an inhabitant of a school district has no list in the district, his name need not appear in the tax-bill.—*Ib.*

h. *Omission to limit time of payment does not invalidate.* The omission to limit in the warrant for the collection of a school district tax the time within which the tax is to be collected and paid over by the collector to the prudential committee, ought not to be regarded as a defect which the person taxed is entitled to take advantage of when the tax itself has been legally voted and assessed: the warrant in such case *held* to confer sufficient legal authority upon the

collector to levy and collect the tax in question.—*Walker v. Miner*, 32 Vt. 769.

6. *Effect of illegality of part of tax.* If any part of a school district tax, voted for several purposes, is illegal, the whole tax is void.—*Johnson v. Colburn*, 36 Vt. 693.

7. *Tax against feme sole who marries : husband not liable to pay.* Prior to the enactment of No. 24, acts 1861, if a school-district tax had been duly assessed against a *feme sole*, who afterwards married, the husband's property, including the personal property owned by the wife at the time of marriage, was not liable to be distrained for the satisfaction of the tax.—*Sumner v. Pinney*, 31 Vt. 717.

8. *Interest on taxes not collectable.* Interest on unpaid taxes is not collectable, either before or after a demand has been made by the collector of the tax-payer for the payment of the tax.—*Shaw v. Peckett et al.*, 26 Vt. 482.

XVIII. TEACHER.

1. Contract.
 - a. Construction of contract.
 - b, c. Contract to teach for definite time.
 - d. Prudential committee has power to dismiss teacher.
 - e. District no power to dismiss teacher.
 - f, g. Sufficient cause for dismissal.
 - h. Cause for dismissal under special contract.
 - i. Dissatisfaction of scholars and parents no cause.
 - j. Right to damages for breach of contract not lost by taking order under circumstances named.
 - k. Vote of district to accept proposition of settlement.
2. Omission to make entries in register, effect of.
 - a. Did not forfeit his wages under section 110, chapter 22, General Statutes.
 - b. Renders teacher liable to pay damages therefrom to the district.
 - c, d. Omission through fault of committee.
3. Right to inflict corporeal punishment.
 - a. Has always been sanctioned.
 - b. For offences committed out of school hours.
 - c, d. Liability of teacher for excessive punishment.
4. Authority to expel scholar.
5. Teacher may require English compositions by his scholars.

TEACHER.

1. *Contract.*

a. *Construction of contract.* A contract to teach a district school is to be considered as an ordinary contract for service and work, both as respects its construction and incidents.—*Holden v. School District in Shrewsbury*, 38 Vt. 529.

b. *Contract to teach for definite term.* A teacher who contracts to teach for a definite term, and leaves the school without just cause, cannot sustain an action for such services as were rendered.—*Clark v. School District in Pawlet*, 29 Vt. 219.

c. Where a teacher contracted to instruct a district school during a specified time, and during the time he was absent ten days at one time, without the previous consent of the prudential committee, and he closed the school a few days before the time agreed upon, and this also without the previous consent of the prudential committee, but it appeared that he had sufficient reason, in both instances, for so doing, and that the prudential committee, when the cause was made known to him, was entirely satisfied, it was held that the teacher was entitled to recover pay for the time during which he actually taught, at the same rate of compensation agreed upon for the entire time.—*Mason v. School District in Brookfield*, 20 Vt. 487.

d. *Prudential committee has power to dismiss teacher.* The prudential committee has full authority and power, as matter of law, to remove and dismiss a teacher whenever he chooses to exercise that authority and power, but if the teacher is dismissed and removed without any just and sufficient cause, he is thereby discharged from his duty to perform the contract on his part, and is entitled to recover of

the district his damages.—*Holden v. School District in Shrewsbury*, 38 Vt. 529.

e. *District no power to dismiss teacher.* The school district has no power, by vote, to annul the contract made between the teacher and the prudential committee, and dismiss the teacher.—*Mason v. School District in Brookfield*, 20 Vt. 487.

f. *Sufficient cause for dismissal.* Incompetency to teach any or all of the subjects of instruction or learning prescribed by law to be taught in the common schools of the state, or to properly rule and govern the school, is good and sufficient cause for the teacher's dismissal by the prudential committee. *Holden v. School District in Shrewsbury*, 38 Vt. 529.

g. Incapacity and unfaithfulness would be a sufficient cause.—*Paul v. School District in Hartland*, 28 Vt. 575.

h. *Cause for dismissal under special contract.* The contract between the teacher and the school district contained a stipulation "that she should leave if the school was not satisfactory." The prudential committee has no right to dismiss the teacher in such a case unless the school should not prove satisfactory, but not on account of her personal unpopularity in the district.—*Richardson v. School District in Westminster*, 38 Vt. 602.

i. *Dissatisfaction of scholars and parents no cause.* The fact that scholars and parents are dissatisfied with a school teacher is no sufficient cause for dismissing him before the expiration of the time for which he has been employed.—*Paul v. School District in Hartland*, 28 Vt. 575.

j. *Right to damages for breach of contract not lost by taking order under circumstances stated.* In the absence of

the teacher, the committee left at her boarding house an order for \$7.50 upon the district treasurer, expressed to be for her services as teacher. She retained possession of the order three or four hours, and then returned it to the place where she had found it, declining to accept it. *Held*, that by so doing she did not lose any of her rights to compensation for damages for breach of the contract on the part of the district.—*Richardson v. School District in Westminster*, 38 Vt. 602.

k. The vote of a district to accept of a proposition of settlement, made by a teacher who had been dismissed, not communicated to her, does not bind her.—*Ib.*

2. *Omission to make entries in Register, effect of.*

a. *Did not forfeit his wages under § 110, ch. 22, Gen. Stat.* Under the provisions of § 110, ch. 22 of the General Statutes, a teacher did not forfeit his wages by reason of his neglect to answer the statistical inquiries to teachers contained in the school register, and to certify to the correctness of his record of the daily attendance of scholars. [But see No. 30 of 1865, p. 41—page 37 of this compilation.]—*Crosby v. School District*, 35 Vt. 623.

b. *But render teacher liable to pay damages therefrom to the district.* But the teacher is liable to make good to the district the amount of the public money lost to the district by reason of such neglect.—*Ib.*

c. *Omission to make entries in Register, through fault of committee.* The entries in the school register of answers to statistical inquiries required to be made by teachers by Gen. Stat. ch. 22, § 110, are to be made at the close of the term of school for which the teacher was engaged.—*Scott v. School Dist. in Fairfax*, 46 Vt. 452.

d. If the prudential committee, by his own conduct and without the fault of the teacher, prevent the close of the term being reached, the omission to make such entries will not prevent the recovery of the wages.—*Ib.*

3. *Right to Inflict Corporeal Punishment.*

a. *Has always been sanctioned.* The right of a schoolmaster to correct his scholar has always been practically and judicially sanctioned. But it rests upon similar ground as the right to correct a child or servant, and the chastisement must not exceed the limits of a moderate correction. And though courts are bound, with a view to the maintenance of necessary order and decorum in schools, to look with all reasonable indulgence upon the exercise of this right, yet whenever the correction, as confessed by the pleadings, or as proved on trial, shall appear to have been clearly excessive and cruel, it must be adjudged illegal.—*Hathaway v. Rice*, 19 Vt. 102; *Lander v. Seaver*, 32 Vt. 114.

b. *For offences out of school hours.* When a boy, after the dismissal of the school for the day and his return home, and while engaged in his father's service, in the presence of other pupils of the same school, used towards his teacher, and in his hearing, contemptuous and insulting language, and which had a direct and immediate tendency to subvert the teacher's authority and control over his pupils, the teacher may, upon the pupil's return to school, lawfully inflict reasonable corporeal punishment upon him for such act.—*Lander v. Seaver*, 32 Vt. 114.

c. *Liability of teacher for excessive punishment.* If the punishment be clearly excessive, the teacher should be held liable for such excess, though he acted from good motives in inflicting the punishment, and in his own judgment considered it necessary and not excessive.—*Ib.*

d. If there is any reasonable doubt whether the punishment was excessive, the teacher should have the benefit of the doubt.—*Ib.*

4. *Authority to expel scholar.* It is the duty of the teacher to maintain proper and necessary discipline in school; and when all other means for so doing failed, the teacher has the right to expel a scholar; and if the prudential committee insist upon the return of such scholar to the school when his presence would be fatal to the maintenance of such discipline, the teacher may lawfully quit the school and recover her wages up to that time.—*Scott v. School District in Fairfax*, 46 Vt. 452.

The teacher of a private school has the right to require a scholar, who is guilty of insubordination and misconduct, to leave the school; and if the scholar refuse to do so, upon being requested, a third person will, upon the request of the teacher, be justified, as the servant and agent of the teacher, in using the necessary force for removing him.—*State v. Williams*, 27 Vt. 755.

5. *Teacher may require English composition by his scholars.* A requirement by a teacher of a district school, sanctioned by the prudential committee, that the scholars in grammar shall write English compositions, is a reasonable one; and if such scholar, in absence of any request from his parents that he may be excused from so doing, refuse to comply with such a requirement, the prudential committee may expel him from the school on that account.—*Guernsey v. Pitkin*, 32 Vt. 224.

TOWNS. See School District, 3.

XIX. UNION SCHOOL DISTRICT.

a, b, c. Organization.

d, e, f, g. How altered or dissolved.

UNION SCHOOL DISTRICT.

a. *Organization.* Prior to 1808, no statute existed in this state by which towns could create a union district, but such a district might have been constituted by a special act of the legislature; and where the inhabitants of territory in Sunderland, and the inhabitants living in certain contiguous territory in Manchester and Sandgate, have all acted together and supported a school as one district, for more than twenty-five years prior to 1808, with the since continued acquiescence of not only the inhabitants of the district, but of all the three towns, the court may well presume that such union district was formed by a special act of the legislature.—*Bowen v. King*, 34 Vt. 156.

b. There not appearing to have been any action by the district, or by either of the towns, implying any doubt as to the perfect legality of the district, for more than fifteen years after 1808, *held*, that this was sufficient to raise the presumption, in absence of any record evidence of its formation, that it had been legally created and organized by action of the three towns.—*Ib.*

c. If territory be added to such union district by a vote of one of the towns, and the town and the district, for any considerable time, assented to the alteration and acquiesced in it, all parties would be bound by it.—*Ib.*

d. *How altered or dissolved.* A union district is indissoluble except in the mode pointed out by the statute.—*Ib.*

e. One part of such union district could not, by its own action or that of the town, dissolve it, and the action of a mere fraction, claiming to be a district, was illegal and void; they could not elect legal officers, or impose legal taxes.—*Ib.*

f. When a school district has been formed from territory in two towns, either by concurrent vote of the towns, or by act of the legislature previous to the power to constitute such districts being conferred upon towns, *quaere* whether one of the towns has authority to alter the limits of such district by setting the individual, within such town, from such district to another district within the town.

But if the exercise of such authority by the town be inconsistent with the right of such district, such right may be waived by vote of the district: and if the district consent by vote, that an individual within its limits may unite with some other district, and such individual be set, by vote of the town, to another district, the union district cannot afterwards assess a tax against such individual.—*Pierce, Admr. v. Whitman*, 23 Vt. 626.

g. School districts formed by the concurrent votes of two towns, may have the limits altered by a vote of one of the towns setting off lands from it, and the acquiescence of the district therein for nearly twenty-five years.—*Jones v. Camp*, 34 Vt. 384.

XX. U. S. DEPOSIT MONEY.

U. S. Deposit Money. The interest of the public moneys of the United States, which by the act of 1836, is appropriated to the support of common schools, is not to be taken as a part of the proceeds of the school fund, within the purview of the proviso to the 9th section of the act of 1827, entitled “An act to provide for the support of common schools”—and to go so far as a relief against the three cent tax required by law.—*State v. Jericho*, 12 Vt. 127.

XXI. WARNING FOR CITY MEETING.

Under the following article in the warning of a city meeting, viz.: “To vote upon the question of raising money,

by tax or otherwise, to meet the current expenses of the city government, and for school purposes, for the ensuing year," it was *held*, that the meeting could not legally vote a tax, or authorize the mayor to borrow money on the credit of the city, for the purpose of erecting a high school building.—*Allen v. Burlington*, 45 Vt. 202.

See School District Meeting, 12.

PART III.

FORMS

DESIGNED FOR USE IN THE TRANSACTION OF BUSINESS CONNECTED WITH SCHOOLS.

No. 1.

An application by three voters in an unorganized school district to the selectmen of the town for the organization of said district.

[Ch. 22, § 22, G. S. Page 24 of this Compilation.]

To the Selectmen of, in the County of

We, the undersigned, inhabitants of said, residing in school district No. . ., in said town, and voters in said district, respectfully represent that the said school district No. . . has not been organized, and that it is necessary to organize said district. We, therefore, make this application that said school district be duly and legally organized, according to the statute in such case made and provided.

Dated at,, A. D. 18...

A. B.

C. D.

E. F.

No. 2.

Form of a warning for the organization of a school district in an organized town.

WARNING

Whereas, three of the inhabitants of the town of, residing in school district No . . . in said town, and legal voters in said district, have presented their application in writing to us, setting forth that said school district has not been organized, and that it is necessary to organize said district, and praying that the same may be duly and legally organized. Therefore, the inhabitants of said school district who are legal voters in a school district meeting holden therein, are hereby notified and warned to meet at the in said district, on the . . . day of . . . , A. D. 18 . . . , at . . . o'clock in the . . . noon, to act on the subject matter of said petition, and elect a moderator and clerk, according to the provisions of the statute.

Dated at, A. D. 18 . . .

G. H. ,	} <i>Selectmen</i>
I. J. ,	
K. L. ,	
	} <i>of</i>
	}

No. 3.

Application by three voters in an unorganized town or gore, to the selectmen of an adjoining organized town, to organize school districts in such unorganized town or gore.

[Ch. 22, § 23, G. S. Page 25 of this Compilation.]

To the Selectmen of in the County of

The undersigned, inhabitants of, in said county of and voters in the same, respectfully represent that said is an unorganized town [or gore], and that no school districts have been established in the same.

We therefore request that you will organize one or more school districts in such, and in case more than one school district is needed, that you will divide said into as many districts as may be required, define and determine their limits, and number them, as provided in sections twenty and twenty one of chapter twenty-two of the General Statutes.

Dated at,, A. D. 18...

M. N.

O. P.

Q. R.

No. 4.

Warning for the organization of a school district in an unorganized town or gore.

WARNING.

Whereas, three of the inhabitants of the town [or gore] of, in the county of, have made application to us in writing, setting forth that said town is unorganized, and no school districts have been organized therein, and requesting that the organization of one or more of such districts be made, and whereas, upon due examination of the premises, we have decided that but one school district in said is needed, and have determined the boundaries of said district to be identical with the boundaries of said, and have numbered said school district number one :

Therefore, the inhabitants of said school district number one, who are legal voters in the same, are hereby notified and warned to meet at, in said town of [or gore], on the day of, A. D. 18.., at

o'clock in the . . . noon, to act upon the subject matter of said petition, and organize a school district, by the election of a moderator and clerk, according to law.

Dated at, this day of, A. D. 18...

S. T.,	} <i>Selectmen</i>
U. V.,	
W. X.,	

} *of*
}

The above can readily be so varied as to be adapted to the facts, in case the selectmen should decide that more than one school district is needed.

No. 5.

Application by three or more voters to a district clerk to warn a special meeting of the inhabitants of a school district.

To the Clerk of School District No. . ., in the Town of, in the County of

We, the undersigned inhabitants of, and legal voters in, said school district, request you to appoint and notify a meeting of the inhabitants of said district, to consider and act on the following propositions, to wit :

1. To see if the district will erect a new school house in said district, and fix upon a location of the same.
2. To elect a committee to prepare and report a plan or plans of such new school house, with an estimate of the probable cost thereof.
3. To see if the district will repair the existing school house, and in what manner, and at what cost.
4. To raise money by tax, or by loan, to defray the expense of such new school house, or of such repairs [as the case may be].
5. To see what directions said district will give to the teacher of its higher school as to teaching any of

the sciences or higher branches of a thorough education.

[The formation and dissolution of Union Districts.]

[Page 51 of this Compilation.]

6. To see if said district will agree, by a vote of two thirds of the voters thereof present at such meeting, to unite with contiguous districts No. . . , No. . . , and No. . . , in said town, and form a Union District, for the purpose of maintaining a Union School, to be kept for the benefit of the older children of such districts as may thus unite.
7. To see if said district, by a vote of two thirds of its legal voters, will vote to join Union District No. . . in said towns contiguous to said district.
8. To see if said district, by a vote of two thirds of its legal voters present, will vote to withdraw from Union District No. . . , in said town.

[For Union District in last two cases.]

9. To see if said Union District will, by a vote of two thirds of its voters present, permit the withdrawal of District No. . . , in accordance with its request.
10. To see if said Union District will, by a majority of two thirds of its legal voters present, vote to receive District No. . . , in said town, the same being a contiguous district, and desiring to be thus received.

To do any other proper business.

Dated at , A. D. 18..

A. B.
C. D.
E. F.

No. 6.

TO DIVIDE THE SCHOOL INTO TWO OR MORE DEPARTMENTS,
AND PROVIDE THEREFOR.

Application of a prudential committee to have a school district meeting called for the foregoing purposes.

To the Clerk of School District No. . . , in the town of Reading, in the County of Windsor.

The undersigned, prudential committee of said school district, represents that, in his opinion, the children of said district have become so numerous as to require more than one teacher, and hereby makes application to have a meeting of the legal voters of said district warned, to consider and act upon the following propositions :

1. To see if the district will have two or more schools in the district at the same time.
2. To see if said district will provide additional accommodations for its schools by adding to or altering its school house, and to raise money by tax on the grand list, or by loan, to defray the expense of such addition or alteration.
3. To see what directions such district will give to the teacher of its higher school, as to teaching any of the sciences or higher branches of a thorough education.
4. To do any other proper business.

Dated at R. . . . g, this day of , A. D. 18. . .

Prudential Committee.

No. 7.

Form of the warning by the clerk of a school district, on application therefor by three or more legal voters, or by a prudential committee.

SCHOOL MEETING.

Whereas, an application in writing, signed by three of the legal voters [or prudential committee] of school district

No. . . , in the town of , in the county of , has been presented to me, requesting me, as the clerk of said district, to appoint and notify a meeting of the legal voters of said district ; Therefore, the legal voters of said school district No. . . are hereby notified and warned to meet at , in said district, on the . . . day of . . . , 18. . , at . . . o'clock in the . . . noon of said day, to consider and act on the following propositions :

1. To see if the district will erect a new school house in said district.
2. To elect a committee to prepare and report a plan or plans of such new school house, with an estimate of the probable cost thereof.

[The various specifications may be here inserted, as in No. 5 or No. 6, as they may be needed.]

Dated at , , A. D. 18. . .

G. H. , *Clerk.*

No. 8.

Warning of annual meeting of school district, which may be issued without application therefor.

SCHOOL MEETING.

The legal voters of School District No. . . , in the town of , are hereby notified to meet at , in said district, on the last Tuesday of March, A. D. 18. . , at . . o'clock in the . . . noon, to consider and act on the following propositions :

- 1st. To choose a moderator, clerk, collector of taxes, one or three auditors, treasurer, and a prudential committee of one or three legal voters, for the year ensuing.

- 2d. To see if the district will vote to sustain a school or schools during the ensuing year, and to fix the time for the commencement of the terms thereof, and the length of such terms.
- 3d. To see if the district will vote a tax upon the grand list to defray the expense of such school or schools, or take other measures therefor.
- 4th. To see if the district will, by a vote of two thirds of the voters present, abate any taxes remaining uncollected.
- 5th. To transact any other proper and necessary business.

G. H., *Clerk.*

No. 9.

Records of School Meetings.

[Record in full the application, if any application was made, and certify the record as follows.]

I certify the foregoing to be a true copy of the original application.

Attest, E. B. W., *District Clerk.*

[Then record the warning in full, including the signature of the clerk, and proceed as follows:]

I certify the foregoing to be a true copy of the original warning.

Attest, E. B. W., *District Clerk.*

Be it remembered that at a meeting of the inhabitants and legal voters of School District No. . ., in the town of, held pursuant to the foregoing warning, at the in said district, at . . . o'clock, . . . noon, on the . . . day of, A. D. 18.., the moderator of said district presiding,

[The form thus far may be used in all the following cases.]

(a) *For Annual Meeting.*

The following business was transacted :

1. L. G. C. was elected moderator, E. B. W. s was elected clerk, A. M. h was elected collector of taxes, O. B. n, E. H. C. r and C. W. r were elected auditors, O. C. n was elected treasurer, and O. S. H. n was elected prudential committee of said district for the year ensuing.

2. It was voted to sustain a school in said district during thirty weeks of the ensuing year, viz.: A school of fifteen weeks, to commence on the first Monday in May, and a school of fifteen weeks, to commence on the first Monday in December.

3. It was voted that a tax of cents on the dollar of the grand-list of said district be assessed, and that said tax be paid prior to the day of next.

4. It was voted by two-thirds of the voters present to abate the tax of , of cents on the grand list of 187., and the tax of , of dollars and cents on the grand list of 187..

5. Adjourned *sine die*.

A true record. Attest,

F. . . . K. G. . . . s, *District Clerk*.

(b) *To Locate a School House.*

The following business was transacted :

It was voted by two-thirds of the legal voters present that the district will build within months a new school house, and that said new school house shall be located on the land of , at the corner of roads.

[Insert a definite description of the locality.]

(c) *To Erect or Repair a School House.*

The following business was transacted :

It was voted that the district will build a new school house

as soon as conveniently may be done, at a cost not exceeding hundred dollars.

It was voted that E. W. W.s, L. K.l and A. M.h be appointed a committee to prepare and report a plan of such new school house, with an estimate of the probable expense of the same, and report thereon at the time to which this meeting may be adjourned. It was voted to adjourn to theday of., A. D. 187., at o'clock P. M., at the school house in this district.

A true record,

Attest, E. H. C.r, *District Clerk.*

Be it remembered that said meeting having reassembled pursuant to adjournment, at the school house in this district, on the day of.A. D. 187., at o'clock P. M., the following business was transacted :

1. The moderator being absent, the meeting was called to order by the clerk, and elected moderator *pro tempore*.

2. E. W. W., L. K. and A. M. . . .h, the committee appointed therefor, made their report in writing, which report was accepted and ordered to be recorded, and is in the words and figures following :

[Here insert report.]

3. After consideration and discussion of said report, it was voted that the same be adopted, and that W. F. . . .h, O. C. . . .n, and H. A. G. . . .s, be a committee to erect or procure the erection of a school house, in accordance with the plan embraced in such report, but at a cost not exceeding hundred dollars.

4. It was voted that a tax of cents on the dollar of the grand list of said district be assessed and made paya-

ble on or before the day of, A. D. 18.., to defray the expenses of such new school house.

[The above form can readily be adapted to the facts, in case the district should vote to *repair* instead of *build*.]

(d) *The Formation of Union Districts.*

The following business was transacted :

1. The district voted, two-thirds of the voters present voting in the affirmative, to unite with contiguous districts No. . . and No. . ., in said town, and form a union district, for the purpose of maintaining a union school to be kept for the benefit of the older children of such districts as may thus unite.

2. It was voted that the first meeting of such union district shall be called by the clerk of school district No. . ., by posting a warning therefor in the same manner and for the same time as the law requires for warning district meetings, and that said first meeting shall be holden at the school house in district No. . ., on the day of, A. D. 18.., at . . o'clock P. M., provided the associate districts agree thereto.

3. The district voted, two-thirds of the legal voters of the district voting in the affirmative, to join union district No. . ., in said town of, contiguous to said district.

(e) *To Withdraw from Union District.*

The district voted, two-thirds of the voters present voting in the affirmative, to withdraw from union district No. . ., in said town, of which it now forms a part.

(f) *To divide the school into two or more departments, and provide therefor.*

1. It was voted that the district will have three schools in the district at the same time.

2. The district voted that in order to provide additional accommodations for its schools, to erect an addition upon the east end of the school house, two stories high, of brick, in size 38 x 38 feet, and that the same be built, finished and furnished under the direction of a committee to be elected for that purpose, at a cost not exceeding three thousand dollars.

3. Elected A. W...e, G. M. C...k, and H. T. F...r, a committee to carry out the provisions of the vote last above recorded.

4. It was voted that a tax of cents on the dollar of the grand list be assessed to defray the expenses of such addition, and that said tax be made payable on or before the day of A. D. 18...

5. It was voted to instruct the teacher of the higher school to teach any of the sciences or higher branches of a thorough education that may not, by existing laws, be authorized.

No. 10.

Application to selectmen for location of school house where district cannot agree.

To A. B...., C. D...., and E. F...., Selectmen of the Town of

The undersigned, prudential committee of district No. . . , in said town, represent that said district, at a meeting thereof legally warned and held on the day of, voted to erect a new school house for the use of the schools of said district, but are not able to agree upon a location therefor.

We therefore officially request that you, the selectmen of . . . , will, in pursuance of law in such case provided, proceed to select and fix upon such place within said district,

for a location for such school house, as to you shall seem best.

Dated at, this day of, A. D. 18. . .

L. M.,	}	<i>Prudential Committee</i>
N. O.,		
P. R.,		
		<i>of</i>
		<i>District No. . . .</i>

No. 11.

*Form of proceedings for the dissolution of a school district formed
of contiguous territory in two towns.*

*To Hon., one of the Judges of the County Court
for County.*

We, the undersigned, inhabitants of, in county, residing in a school district called No. . ., which is formed of territory lying partly in said, and partly in the town of, in said county, and being legal voters in said school district, show to said judge that there are prudential reasons for the dissolution of said district, and that we desire that said district may be dissolved. We therefore pray your honor to appoint three justices of the peace of said county, to make inquisition in the premises, and if sufficient cause therefor be shown, that they will order the said district to be dissolved.

Dated at,, 18. . .

A. B.,
C. D.,
E. F.

*To E. W., H. M., and S. T., three Justices
of the Peace within and for the County of*

Whereas, A. B., C. D., and E. F., of, in county, have represented to me that the school district called No. . ., in, is formed of territory lying partly in said, and partly in,

we have made out and certified a copy of this, our order, for record in said, and a like copy for record in said, and herewith return this, our commission, with our execution of the same.

Dated at, this day of, 18...

E. W.,	} <i>Justices of the Peace.</i>
H. M.,	
S. T.,	

No. 12.

Receipt of District Clerk for School Register.

[See No. 19 of 1867, p. 27. Page 67, § 171, of this Compilation.]

Received of, teacher, the school register for the term, 18.., in school district No. . ., in the town of, and I certify that said register has been kept and filled up according to law, and that all statistical interrogatories have been answered therein, as required by law.

Dated at, this day of, A. D. 18...

E. B. W. . . .s, *District Clerk.*

No. 13.

Notice by Superintendent of time and place of public examination of teachers, and of the regulations for the same.

PUBLIC EXAMINATION OF TEACHERS.

Notice is hereby given to all persons who are intending to apply for situations as teachers in the common schools of the town of, in the county of, that the public examination of teachers required by law within said town, will be held at, in said town, on, the day of, at o'clock in the morning.

All persons designing to teach in the common schools of said town, are required to be present promptly at the time and place aforesaid. All citizens are respectfully and cordially invited to attend.

.....,

Town Superintendent of

..... Co , Vt.....187..

At a meeting of the town superintendents of schools in the county of, held according to law at, Vt , , 18..., it was resolved, as follows, viz :

1. That written answers shall be required in Orthography, Geography, Arithmetic and Grammar at the Spring examinations; that written answers in Geography, Grammar, Arithmetic and History shall be required at the Fall examinations; and that the superintendents shall examine orally upon all the subjects above named, and others required by law.

2. That all examinations after the public examination shall be upon an entirely new set of questions; *and the fee allowed by law must be paid by the candidate before the examination commences.*

3. That in the public written examinations, per cent shall be the minimum (average) standard of correctness required upon each subject.

4. That the written examinations shall commence at nine o'clock A. M., and the oral examinations at two o'clock P. M.

5. That at every examination, each candidate must come prepared with one half quire of writing paper, and a lead pencil for the written examinations.

No. 14.

*Certificate to Teachers by Town Superintendent.**Written Examination.*

STATE OF VERMONT.

	Per cent.
Arithmetic.....
Geography.....
Grammar.....
.....
General Average.....

Town of

Date,, 187

Name and residence of teacher.....

Town Superintendent.

STATE OF VERMONT.

Town of This certifies that,
 of, having this day passed a satisfactory oral
 examination in the studies prescribed by law, and the per
 cent.,, on the written examination fixed by the town
 superintendents, at the annual meeting held at, on
 the day of last, as shown in the margin of this
 certificate; and having presented satisfactory evidence of

Written Examination.

	Per cent.
Arithmetic.....
Geography.....
Grammar.....
.....
General Average.....

good moral character, is here-
 by licensed to teach any com-
 mon school in this town until
 April 1, 187...

Witness my hand, this

.....day of....., 187...

Town Superintendent.

No. 15.

Superintendent's list of teachers examined.

By the provisions of General Statutes, ch. 22, § 15, [§ 29, page 22 of this compilation,] this list must be filed in the town clerk's office on or before the first day of February in each year.

I,, superintendent of schools in the town of, in the county of, in the state of, certify that the following is a list of the names of all the teachers to whom I have granted certificates during the year ending January 31st, A. D. 18. . . . , together with the respective dates of the certificates.

Names of Teachers.	Dates of Certificates.
E. F. ,	April 18, 1874.
D. S. ,	Nov. 27, 1874.
B. M. S. ,	Nov. 30, 1874.

Dated this day of, A. D. 18. . . .

H. M. T. ,

Town Superintendent of

No. 16.

Superintendent's revocation of Teacher's certificate.

This revocation must be filed in the town clerk's office, and a copy thereof delivered to the prudential committee and to the teacher whose certificate is revoked. [See § 30, page 22 of this compilation.]

I,, superintendent of schools in the town of, hereby certify that upon personal examination of the school taught by, in district No. . . . in said town, I have become satisfied beyond

a reasonable doubt that the said is incompetent to teach or govern said school properly, [or is setting an evil example before his school,] and on that account, and pursuant to law in such cases made and provided, I do hereby revoke the certificate heretofore granted to said
.....

Dated at, in the county of, this..... day of, A. D. 18.

S. W. P.....e,
Town Superintendent of Schools.

No. 17.

Superintendent's account for services, to be presented to the court auditor, together with the receipt of the State Superintendent of Education, for statistical returns.

THE STATE OF VERMONT,

To, Superintendent of Schools for the town of, in the county of

187.

Dr.

March ...	To one day attending meeting of town superintendents at,	\$2.00
	To miles travel, at 10 cts.,
April ...	To one day spent in public examination of teachers,	2.00
May ...	To one day visiting schools,	2.00
"	To one half day visiting school,	1.00
February ...	To writing annual report to March meeting,	3.00
April ..	To making and forwarding statistical returns to State Superintendent of Education,	3.00

.....,

Town Superintendent of Schools.

I,, Superintendent of Schools for the town of, do solemnly swear that the foregoing statement of services rendered by me as such superintendent is correct, and that schools have been taught in districts in said during the year last past, and in districts schools have been taught at the same time.

STATE OF VERMONT, } At, in said County, this
County of } day of, A. D.
 18. . . . , personally appeared, and made solemn oath to the correctness of the statements by him above subscribed, before me,

C. A. M., *Justice of the Peace.*

No. 18.

Return of Births and Deaths.

Births in School District No., in the town of, during the year ending the 31st day of December, A. D. 18...

No.	Date.	Name of child, (if it have any.)	Sex.	Place of birth.	Names and sur- names of parents.	Residence of parents.	Occupation of father.

I certify the foregoing returns to be correct.

....., *District Clerk.*

Deaths in School District No., in the town of, during the year ending the 31st day of December, A. D. 18...

Date of death.	Name and surname of deceased.	Sex.	Condition: whether mar'd or single.	Age: yrs. mos. days.	Place of death.	Disease.	Occupation, Place of (if over 15 years.) birth.	Names of parents.

I certify the foregoing returns to be correct.

....., *District Clerk.*

No. 19.

School Census.

List of the names and ages of all persons between the ages of five and twenty years, resident in school district No. on the first day of January, A. D. 18. . . . , with the names of heads of families and whole number of persons under twenty years of age in each.

Names of heads of families.	No. of persons under 20 in each.	Names and ages of all persons between the ages of 5 and 20.
H. M. C. n,	2	Samuel K. C. . . . n, 15; Lather C. . . . n, 6.
H. P. K. l,	2	Maud K. . . . l, 6; Freddie S. . . . g, 7.

I certify that the above returns are correct.

....., *District Clerk.*

The foregoing must be filed with the town superintendent on or before the 31st day of January, [see § 72, page 35 of this compilation,] together with a tabulated abstract of the same, which may be in the form following :

No. 20.

Abstract of School Census.

Abstract of the school census of school district No. . . , in the town of , county of , and state of Vermont, for the year 18. . .

FAMILIES.		CHILDREN.				
Whole number.	Number having children under twenty years of age.	Under five years of age.	Between five and ten years of age.	Between ten and fifteen years of age.	Between fifteen and twenty years of age.	Under twenty years of age.

The foregoing is a true abstract of the school census of school district No. . . . , in the town of , as taken by me in the month of January, A. D. 18...

Attest, , *District Clerk.*

No. 21

Bond to a School District by its Collector.

Know all men by these Presents, that we, A. B., C. D., and E. F., of , in the county of , in the state of , are held and firmly bound unto school district No. . . . , in the town of , in the sum of dollars, for the payment of which we do jointly and severally bind ourselves.

Sealed with our seals, and dated this day of , A. D. 187...

The condition of this obligation is such that if the said A. B. . . . shall well and faithfully execute the office of collector of taxes of the said school district, for the year commencing on the last Tuesday of March, A. D. 18. . . , and shall at all times faithfully account for the moneys which may come into his hands and possession by virtue of his said office, then this obligation shall become void, otherwise remain of full force.

Signed, sealed and delivered in presence of }	A. B. ,	[seal]
	C. D. ,	[seal]
	E. F.	[seal]

No. 22.

Form of a certificate by the prudential committee, accompanying a rate-bill.

We, the undersigned, prudential committee of school district No. . . . , in the town of , certify that the fore

going is a correct rate-bill of a tax of . . cents on the dollar of the grand list of the inhabitants of said school district, and of the property in said district liable to school taxes, raised for the purpose of in said district, and ordered to be paid to the treasurer of said district on or before the . . . day of A. D. 18.., agreeably to a vote of the inhabitants of said district, at a meeting thereof, legally warned and holden for that purpose on the . . . day of, A. D. 18...

Approved and certified by us this day of, A. D. 18..

. } *Prudential*
 } *Committee.*
 }

No. 23.

Form of a warrant for the collection of a school tax.

STATE OF VERMONT, } To A. B., collector of school
 ss. } district No., in the town
 of, in said county, GREETING.

By the authority of the State of Vermont, you are hereby commanded to levy and collect of the several persons named in the list herewith committed to you, the sum of money annexed to the name of each person respectively, and pay the same to the treasurer of the said school district No. . . , on or before the day of, and if any person shall neglect or refuse to pay the sum in which he is assessed in said list, you are hereby commanded to distrain the goods and chattels of such delinquent person, and the same dispose of according to law, for the satisfying of the said sum, with your own fees; and for want thereof you are hereby commanded either to extend this warrant for the collection

of said sum so assessed against such delinquent person, with costs, upon any land in this state belonging to such delinquent, according to law, or to take the body of such delinquent person, and him commit to the keeper of the jail in the county of, or such other jail as the law directs, within said jail, who is hereby commanded to receive such person, and him safely keep until he shall pay said sum so assessed, with legal costs, together with your own fees, or be released according to law.

Given under my hand, at, in said county, this day of, in the year of our Lord one thousand eight hundred and

W. F.h, *Justice of the Peace.*

No. 24.

Form of an extent which may be issued against the collector in case of his delinquency.

STATE OF VERMONT, } To any Sheriff or Constable in
 COUNTY. } the State. Greeting.

Whereas, a rate-bill and warrant for the collection of a school tax voted by the inhabitants of school district No. . . , in the town of, of cents on the dollar, amounting in all to the sum of dollars, and made payable on or before the day of, A. D. 18. . , was duly delivered to , the collector of said district, for collection. And whereas the said has failed to pay over the full amount of said rate-bill by the time specified therefor, and is now delinquent in the sum of dollars, which has been duly demanded of him, and whereas the prudential committee of said district have presented their petition in writing to me, one of the justices of the peace in said county of ,

setting out the above facts, and praying that an extent may be issued against the said, collector as aforesaid, for the said sum of . . . dollars, now in arrears, and the said having been duly summoned to appear and show cause why such extent should not be issued, has neglected to show any good cause why such extent should not issue for the arrears of said tax,

Therefore, By the authority of the State of Vermont, you are hereby commanded that of the goods, chattels, or estate of the said, to be by him shown unto you, or found within your precinct, you cause to be levied, and the same being disposed of according to law, you pay to the said prudential committee of said school district the said sum of . . . dollars, being the residue of said rate-bill for which said collector is now in arrear, and also satisfy yourself for your own fees, and for want of the goods, chattels, or stock of the said to be by him shown unto you, or found within your precinct, you are hereby commanded to take the body of the said collector as aforesaid, and him commit to the keeper of the common jail in, in said county, within the said prison, who is hereby commanded to receive the said, and him safely keep until he pay the aforesaid sum of . . . dollars, and legal cost, together with your fees, or otherwise be discharged or released according to law.

Hereof fail not, but of this extent and your doings thereon make due return within sixty days.

Given under my hand at, this . . . day of . . . ,
A. D. 18...

A. B., *Justice of the Peace.*

TABLE OF FORMS.

FORM

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- No. 2. Warning for the organization of a school district in an organized town.
- No. 3. Application by three voters in an unorganized town or gore to the selectmen of an adjoining organized town, to organize school districts in such unorganized town or gore.
- No. 4. Warning for the organization of a school district in an unorganized town or gore.
- No. 5. Application by three or more voters to a district clerk to warn a special meeting of the inhabitants of a school district.
- No. 6. Application of a prudential committee to divide the school into two or more departments and provide therefor.
- No. 7. Warning by the clerk of a school district, on application therefor by three or more legal voters, or by a prudential committee.
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- No. 11. Proceedings for the dissolution of a school district formed of contiguous territory in two towns.
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FORM

- No. 16. Superintendent's revocation of teacher's certificate.
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INDEX TO SCHOOL LAWS

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